

PLANNING COMMISSION OF MONTEREY PARK AGENDA

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue**

**Tuesday
April 24, 2018
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Documents related to an Agenda item are available to the public in the Community and Economic Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson

FLAG SALUTE

Chairperson

ROLL CALL

Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and
Eric Brossy De Dios

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR - None

2-A. APPROVALS OF MINUTES

It is recommended that the Planning Commission:

- (1) Approve the minutes from the regular meetings of March 13, 2018; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A GENERAL PLAN AMENDMENT (GPA-17-01), ZONE CHANGE (ZC-17-01), AND TENTATIVE MAP NO. 77195 (TM-17-10) TO SUBDIVIDE AIR RIGHTS FOR AN 8-UNIT RESIDENTIAL DEVELOPMENT – 2011 POTRERO GRANDE DRIVE

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve General Plan Amendment (GPA-17-01), Zone Change (ZC-17-01), and Tentative Map No. 77195 (TM-17-10) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development) in that the project is the subdivision of air rights to establish and maintain an 8-unit condominium development. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is a vacant dirt lot and has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services because the City is the utilities and public services provider. No variances are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel is relatively flat and does not have an average slope greater than 20 percent.

[4.] OLD BUSINESS

4-A TENTATIVE MAP NO. 73622 (TM-15-04) TO ALLOW FOR A ONE LOT SUBDIVISION INTO 9-LOTS IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONE – 1585 SOMBRERO DRIVE

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the attached Resolution approving Tentative Map No. 73622 (TM-15-04), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (CEQA) guidelines, the project is Categorically Exempt under § 15332 as a Class 32 categorical exemption (Infill Development) in that the project consists of the subdivision of one lot into 9-lots for the construction of new single-family dwellings.

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on May 8, 2018.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: April 24, 2018

AGENDA ITEM NO: 2-A

TO: Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
BY: Samantha Tewasart, Senior Planner
SUBJECT: Planning Commission Minutes

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Approve the minutes from the regular meeting of March 13, 2018; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,

A handwritten signature in blue ink, reading "Michael A. Huntley", is written over a horizontal line. The signature is stylized and extends below the line.

Michael A. Huntley
Community and Economic Development Director

Attachments:

Attachment 1: March 13, 2018 Planning Commission regular meeting minutes

ATTACHMENT 1

March 13, 2018 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MARCH 13, 2018**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, March 13, 2018 at 7:03 p.m.

CALL TO ORDER:

Chairperson Larry Sullivan called the Planning Commission meeting to order at 7:03 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and Eric Brossy De Dios

Board Members Absent: None

ALSO PRESENT: Karl H. Berger, Deputy City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR: None

[3.] PUBLIC HEARING:

3-A CONTINUE – CONDITIONAL USE PERMIT (CU-15-04) TO ALLOW FOR A HOSPITAL USE WITH AN ANCILLARY HELIPORT IN THE O-P (OFFICE PROFESSIONAL) ZONE – 1977 SATURN STREET

Director Huntley provided a summary of the staff report. He stated that the application was first presented to the Planning Commission at the February 27, 2018 meeting. Due to concerns raised by the neighbors associated with the ancillary use of the heliport and noise associated with the ancillary use, the City Attorney's Office recommended continuing the item to allow the public adequate time to review the technical noise analysis report before the Planning Commission considered the item. However, due to the large number of individuals who were at that meeting public testimony was allowed. Following the testimony the City Attorney's Office recommended that the item be left opened and not for the Planning Commission to make a determination at that meeting. The Planning Commission had a number of concerns at that meeting and after they ended the hearing on that matter staff was directed to evaluate a number of questions and concerns that had arisen at that meeting.

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Subsequent to the Planning Commission packet going out for this meeting some additional information came to light to the City. This information has changed the direction of the proposal. Planning Staff had conducted a review of the City files regarding heliports, but it was only after receiving information from a community member about actions taken by the City in 1985 that the City Clerk's Office was able to identify Ordinance No. 1627 associated with actions taken by the City Council at that particular time to remove airports, heliports, and helipads from the City's codes. Those uses were removed as permitted uses that would be subject to a conditional use permit. However, based on the way that that ordinance was written it did not outright prohibit those types of uses from the code. Staff then sat down with the applicant, conveyed the information, shared the ordinance with them and indicated that the City could not move forward with the recommendation to approve the application if the heliport was left in the proposal. The applicant then submitted a letter to the City removing the heliport as part of their proposed use. The proposal now is to move forward with a proposed hospital use only.

The recommendation to the Planning Commission is to re-open the public hearing, note that OneLegacy's application was amended to remove the request for the ancillary heliport, consider testimony only as it applies to a hospital use and take the appropriate action tonight. Upon making a decision, the Planning Commission would direct staff to return at the next Planning Commission meeting with a resolution and conditions of approval that reflect the decision tonight. The existing resolution and conditions of approval included in the packet would have to be amended to take out any references to a heliport or anything of that nature.

Attorney Berger added that the recommendation is to make a decision with regards to the conditional use permit as to the hospital use only and also to direct Planning Staff to request that the City Council make it clear in the municipal code via a newly adopted ordinance that there is a prohibition on airports, helipads, and heliports within the City so that we are not faced in the future with the same situation as we are now.

Chairperson Sullivan re-opened the public hearing.

Speaker Tom Mone stated that the OneLegacy team spent a good deal of time working with the community this weekend prior to learning about the previously unidentified law prohibiting a heliport and there was constructive dialogue with the community. They recognize the needs and concerns of the neighbors. Despite not being able to have the heliport, their assessment of the value of being a part of the Monterey Park community and the 1977 Saturn building, as bringing real advantage to their ability to serve donor families and waiting recipients from across southern California and to serve the community here as well where they currently recover donors at the Garfield Medical Center.

Proponent Erik Jiang, Associate Administrator at Garfield Medical Center, stated that on behalf of their governing body and CEO Patrick Petre, he is present to offer their support for OneLegacy and its plan to move its operations to the Saturn building and become a part of the Monterey Park community. Garfield Medical Center has worked with OneLegacy for almost 20 years to support and help individuals and families 24-hours a day to give powerful meaning to their lives through the donation of organs and to help recipients on a

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long waiting list from our community, region, and across the country. With the new transplant recovery center OneLegacy will be able to save more lives at less cost and it has the potential of freeing Garfield Medical Center's beds and operating rooms so they can rapidly and effectively serve the community's patients. Beyond the benefits to their own institution and to the hospital community, OneLegacy will be able to bring highly skilled 250 health care professionals to the City and will become a part of the community.

Opponent William Asevo, 1954 Fulton Avenue, in front of La Loma Park, stated that he has been a nurse since 1980 and about six or seven years ago National Geographic had a special called Build Me a Body on stem cells, which leads to the fact that organ donation will be on its way out and the fact that science has come a long way by leaps and bounds. He is glad that the heliport is not going to happen.

Opponent Nancy Arcury, 1021 Mooney Drive, stated that she has been a Monterey Park resident since 1971 and is glad that OneLegacy pulled the application for the heliport. She questioned the definition of a hospital because the applicant will not be providing medical services to the general public. She inquired about the financial impacts.

Opponent Paul G. Perez, 2360 Westcott Avenue, stated that he has lived in City since the mid-1960s and is concerned about the City's future and its safety. He expressed concerns about the materials that helicopters are constructed with.

Opponent Margaret Leung stated that she has questions about the how the project was handled and the speed which it was handled with. She did not know the City had a special program where folks can pick and choose which part of the municipal code to follow. She stated that the use for a medical office and clinical use is expressly prohibited and that is what OneLegacy is using this property for. For this property, the requested conditional use permit can be looked at as a request for a code variance and a request for a code variance should not be granted without a reason of hardship and until other avenues have been exhausted. Accepting a variance as a normal way of business will be a detriment to the City. The application also requested for a heliport with a dangerous flight path through Edison's high voltage transmission towers and substation. This is in direct violation of Monterey Park's General Plan Policy 7.2, which restricts the establishment and use of heliports. This specific policy was written and incorporated into our General Plan by the City Attorney in 1985 to protect the residents. In addition, the staff report cites that the City Council plainly understood at the time of Chapter 9.06 was not enforceable. It was amended for symbolic purposes. The FAA regulates all commercial crafts. The City does not have the legal authority to enforce Chapter 9.06. That chapter is not considered as part of the Planning Commission's analysis for the staff report. She stated that Monterey Park has been fighting the LAX and FAA and using the Monterey Park air space as a turn around.

Opponent Montebello Councilwoman Vivian Romero stated that the courts have determine that local residents in a particular effected area residing 20 plus years are considered experts of aesthetics and it seems like the public noticing was not done properly. The noise analysis was hired by the applicant. She did not care that the analysis was peered reviewed by an environmental consultant. It should have been done by the City. It was

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prejudice by the applicant. She agrees with the former comments about the LAX fly over. She has been a part of that round table. The planes are flying low and the helicopters now are going to be right over the Montebello area. They were not noticed and they are impacted. She is not sure the helicopter size in the staff report is accurate. She questioned the environmental and public notification.

Opponent Randall Mikuriya, 700 Taylor Drive, stated that he provided two articles to the Planning Commission in regards to OneLegacy's background. He stated that OneLegacy portrays itself as nonprofit and save lives, but they have some issues. As far as businesses applying for permits and wanting to be a part of the City due diligence should be looked into in regards to these companies. He stated that he does not understand the defense of calling this location a hospital.

Opponent Wendy Nakamura, 700 Taylor Drive, provided two minutes to Opponent Maychelle Yee.

Opponent Maychelle Yee, 722 Taylor Drive, stated that the Commission yield a great deal of power and responsibility in the decisions that are made and trust that the Commission will do its job fairly and without bias. Two, unfortunately, have demonstrated incapable of doing such and do not have the moral compass to do the right thing. She stated that Commissioner Choi at the last hearing rather than discussing the matter hand spent the entire time thanking the applicant for special favors received. Whether or not there are any financial gain it is still a violation and an ethics issue and it was inappropriate and out of line and out of common decency and integrity and you should recues yourself of any matter pertaining to OneLegacy. She stated that Commissioner Sullivan flaunted his relationship with OneLegacy's CEO and indicated that he had already made up his mind on the matter and you too should recues yourself from the vote.

Opponent Eva and Gloria Chavez, 2028 Clover Drive, stated that she is unclear as to whether this project can define itself as a hospital, clinic, medical center, or type of viable public medical treatment facility.

Opponent Yvonne Wong, 1942 Magnolia Drive, stated that the City should not just rely on hosting something at City Hall, the Library and Langley Center. There should at least be an article in the Cascades or notify all the residents.

Opponent Armen Sebastian, provided the Planning Commission with Monterey Park Municipal Code §§ 21.04.079 and 21.04.629 and stated that the applicant does not provide intensive hospital care and that a medical office is expressly prohibited in the area. He stated that he is requesting CEQA on the project.

Opponent Jason Dwing, 568 Casuda Canyon Drive, stated that he is a resident of Monterey Park for more than 20 years and inquired if the city is hurting so much that every rule and logic has to be bent to feed a business. He wants Monterey Park to be a business friendly city but if the city has to endanger its citizens for the sake of trying to bring in a business it is not worth it. The Planning Commission's primary duty is to its citizens and its citizen's welfare.

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Opponent Steve Scharf, 592 Taylor Drive, stated that once the facility is occupied what is to keep a heliport request from coming back in the future. He is questioning the permanency of the law. He stated that he has worked in health care for 10 years in a prominent hospital in the San Gabriel Valley and he has worked with OneLegacy staff at the hospital. He expressed concerns about the definition of this facility being a hospital. The purpose of this facility will be bringing in brain dead patient into the facility to extract organs which are then sent to where they will be transplanted. He stated that a common definition, not legal, in the dictionary is a place where sick or injured people are given care or treatment or where their children are born. There is an assumption that a hospital is about treating those who are already alive towards full recovery. He stated that the facility is a surgical lab where organs are extracted and passed onto people who can use those organs. A worthy cause but it is not a hospital.

Opponent Dave Jones, 599 Taylor Drive, stated that he has lived in Monterey Park for over 40 years. He has lived on Taylor Drive for over 25 years. He worked on Saturn Street for over 20 years, include 1977 Saturn Street. There has been a lot of energy and passion surrounding OneLegacy's request for a conditional use permit to allow for a hospital at that address. This is understandable. People are passionate about their homes. You must apply law that already exists to determine specific rights based upon specific facts ascertained from the evidence adduced at this hearing. The law is clear on this matter. California Health and Safety Code § 12.50 provides a definition for health care facilities and hospitals.

Opponent Julie Pang-Cortez, 1804 Fulton Avenue, stated that her family has been a part of Monterey Park since the 1960s. She is a member of the Community Participation Committee and teaching staff in the Montebello School District. Lots of students get very uncomfortable every time a helicopter goes by. It makes them feel unsafe.

Opponent Evelyn Moreno, 1974 Fulton Avenue, cited the zoning codes.

Opponent Matt Lim, 1590 Star Ridge Drive, questioned the categorical exemption.

Opponent Maychelle Yee, 722 Taylor Drive, stated that the City of Monterey Park does not have jurisdiction over licensing or permitting a hospital. A hospital cannot be arbitrarily defined when the State has already clearly defined those perimeters. She stated that there are four Commissioners present with no expertise with planning or building codes and one that is working in this industry. They rely on the Planning Department to provide that information to them. The fact that the City would like to omit information and disregard providing them with the proper information that they need to make a well informed decision is concerning. She questioned if the issue is competency or integrity. She stated that an environmental impact report should have been done.

Opponent Dennis Lin stated that he has been a resident of Monterey Park since 1980. He inquired if a hospital needs to be joint commissioned accredited or oversight by a governing body. He inquired if there will be a healthcare team, diagnostic lab, rehabilitation, emergency services for it to be considered a hospital.

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Proponent Dr. James Atkinson stated that he is a member of the board at OneLegacy and a pediatric surgeon and practice at the University of California Children's Hospital since 1980 and UCLA as a transplant and recovery surgeon. He has participated in the operations and care of these families who are donors as well as recipients. The activity that is proposed to take place at this facility here is a new way of handling organ procurement that is being developed around the country. This facility will perform the same care that these patients are currently receiving in the hospitals where they are declared brain dead. They are having difficulties in doing that in hospitals where the patient expires and become donors because operating rooms are full. There are long waits for recipients to have their organs procured and they are losing organs, which is a critical resource in this country because of that delay. This idea to create a hospital facility, which can bring those donors to this location and recover those organs in a timely manner, is critical. It is important to understand that this does not exactly fit into the definition of a hospital but in fact it will have critical care units, nurses 24-7 to take care of the donors, there will be operating rooms that are state of the art, there will be sterile processing procedures and everything else that fits the hospital definition. There is no question that this is a hospital function.

Applicant Tom Mone stated that he would like to echo Dr. Atkinson's comments that this is a new procedure around the country, but they are far from the first. Having a dedicated transplant/recovery facility, sometimes called a hospital, sometimes called a recovery facility. It was started first 20 years ago in Saint Louis and has been shown to lead to more lives saved at a lower cost and benefit the community as a whole and across the county. This is now in place in over a third of the organ recovery programs across the country. In some areas they are operated in areas know as commercial zones, in some areas they are licensed as hospital uses depending upon the community. This is a pioneering use for this region, but it is more commonly done around the country. OneLegacy opened its first recovery center in the City of Redlands back in November 2017 within an existing commercial zone. However, each city makes it own determination in defining the use. They are certainly a hybrid. The OneLegacy use will reduce the traffic by three quarters and be only one quarter of what the traffic was when it was a bank processing center. The property has 780 parking spaces and an average day will have only 120 cars. The noise issue has been resolved by the City's recognition of the pre-existing law that was previously unknown. OneLegacy does not have any plans to come back to the City to seek a heliport at any time in the future.

Chairperson Sullivan closed the public hearing.

Commissioner Brossy de Dios stated that he has four points that he would like to cover. The first is given the range of concerns regarding the definition of a hospital versus a medical office use and inquired if the City Planner could clarify the approach to having defined this use as a hospital with the understanding that an organ recovery center is not something that is listed use in the Zoning Code, so a judgment has to be made. However, for the benefit of this discussion here it would be helpful to understand the logic behind that designation in this report.

Director Huntley replied that as the public has indicated a couple of different times they have pointed out some of the components of the local ordinance, which as the Economic

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and Community Development Director and as the City Planner, is able to interpret certain components of the code. When cities implement the zoning code it is broken up in residential, commercial, and industrial areas and as part of that there are allowed primary uses within each of those sections. Within there, there are a variety of uses which are permitted by right, not permitted, or subject to a conditional use permit. When it is subject to a conditional use permit, it is a use that may not quite fit but it is also a type of use where there are typically associated impacts so conditions of approval are added to mitigate those. This lays the groundwork.

When looking at certain types of uses, city zoning codes provide so much generality with the types of uses that are allowed in the code. If every single use was put into the code, it would be a huge document and it would never get implemented. As such, cities are given some flexibility in regards to interpreting certain types of uses and what is allowed within the code. Also, technology changes very quickly and probably more than fifty percent of the businesses that come to the planning counter do not specifically meet it verbatim. As such we have to look at the different components of the operation and how does it closely meet a specific use within our code.

With this specific use, the applicant described their use to staff, but even more than describing their use they have shared their plans in front of all the Commissioners that do identify what the operations are within the building. There have been comments about the use being a medical office, but in looking at the floor plan medical offices do not have operation rooms and some of the clinical components that have been described by the applicant. Many of these components are the same components that hospital types of uses do provide. Not all hospitals offer the same types of treatment either. In looking at the floor plans and operations description to staff it best fit a hospital use.

If this was some other type of use, it may not have been subject to a conditional use permit, but because hospitals vary in their types of operation the conditional use permit allows the city the flexibility to add conditions to potentially mitigate any of the impacts that might be associated with said use. To staff this looks like a hospital oriented type use with all the activities that are provided in it. It is a hybrid. However, if you go to any zoning code in the county and try to find an organ recovery or procurement use it would be difficult to find. It would be difficult to find some of the more technical hospital oriented uses in any zoning code. What is being applied today is the City's local ordinances and land use policies with the understanding that there are other outside regulatory agencies like the State of California that specifically will have their own licensing definitions, but the City's codes does not specifically say that the city has to follow the definition of what the state certification is for a hospital facility. So based on the information provided the closest use, with the understanding that this is a hybrid use, would be a hospital oriented use.

Commissioner Brossy de Dios stated that obviously there is a great deal of passion around this agenda item. As mentioned at the previous meeting, particularly in relations to the question of the formerly proposed heliport that some sort of CEQA process should have been followed and that would have initiated a longer review period and a wider noticing that might have addressed some of the concerns. With the withdrawal of the heliport component that is a moot point. There was some mention of the nature of the business of OneLegacy

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and how it operates. The Planning Commission is somewhat limited in its ability to consider such issues. The findings are limited to those of health and safety and not necessarily of the internal workings of an organization.

He stated that if the Commission chooses to have this item revised and proposed at the next meeting he would ask that in addition to striking all the information about the heliport that there should be some reference that this proposal does not include authorization of a heliport simply because it was previously done. He recommended that given the rapid changing technological scenario that exists today, the use of drones was mentioned and similar to heliports may not have been adequately addressed in the zoning code. He requested that when staff returns with a revised resolution that that be looked at and identify what the implications might be in terms of granting a conditional use permit and whether this Commission has any authority or need to request that kind of authority from the City Council.

Commissioner Choi stated that he appreciates the participation of all the residents and all of the public comments. There is a lot of passion on both sides. There are questions and concerns from neighbors and rightfully so because it is an important issue in the community. Residents have the right to ask questions and the applicant needs to address these questions in response to the concerns.

He addressed how his comments from the prior meeting were misconstrued. He stated that he had no prior communication with the applicant either at or before the meetings. Welcoming a potential organization looking to locate to the City is not a conflict of interest and there are no financial gains. Any and all businesses and organizations should be embraced. For the interest of transparency, he indicated that he was familiar with the OneLegacy organization and the work that they do. With regards to the nonprofit organization that he referred to, OneLegacy has worked with the organization, but the details he is not familiar with. A nonprofit and a nonprofit working together are common. He has always been objective in all his dealings with regards to any item that comes before the Planning Commission. He has been on the Commission for 5 years now and is truthful, objective, and impartial in any and all of the items that come before the Planning Commission. He stated that was prepared to propose a number of tough conditions of approval in an effort to find an amicable solution for the heliport, but that has resolved itself.

Now the application is for a conditional use permit to allow for OneLegacy to occupy a vacant building that has been vacant for a number of years now and to operate with a designation as a hospital. He stated that he wanted to separate the ongoing plane and aircraft noise issue in the City from the consideration of the conditional use permit. He understands that it is an important issue, but that battle is with the FAA and it will be a long term battle and it should not be taken out on this applicant. The City had amended the municipal code to modify the flight altitudes late last year, but it is not enforceable because the FAA holds jurisdiction above the nation's air space. With regards to this conditional use permit the Planning Commission does have discretion, so they are going to look into this fairly and take appropriate action.

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He stated that the last item is with regards to public notification. State law requires that prior to a public hearing notice shall be given to all property owners within 300 feet of a subject property. It does not however require this legal notification to be translated into multiple languages but a local agency at their discretion may give notice with regards to a hearing in any other manner they shall please. Given the fact that the demographics is as such, there are a lot of residents in the city that only speak and read Chinese, Spanish, or any other language, that is something that the City can look into. It is something that he had advocated for 5 years ago and expanding the notification radius from 300 feet to 500 feet. He requested that staff bring the matter back at another date on the Planning Commission calendar for a full discussion and constructive dialogue on how to move forward with regards to that.

Commissioner Amador stated that she is a community volunteer and not an attorney or an engineer or a planner, but she is a resident and proud to serve on the Planning Commission. She stated that she did have a lot of questions that have been answered. A lot of speakers spoke about the definition of a hospital, clarification on zoning, and the reason for the CEQA determination. She appreciates all the speakers for coming out, that is a part of our democracy and our process. The Planning Commission's responsibility is to listen and to listen to both sides. She is saddened that some of the speakers took to personal, negative feelings towards some of the Commissioners and hope that we can all act as professionals and be responsible and courteous to one another.

Commissioner Robinson stated that he is a 15 year resident of Monterey Park. He visited the subject property and was concerned that the heliport would be an issue instinctively. As far as what he analyzed of OneLegacy he appreciates the organization and what they are trying to do and his only concern was the heliport. He believes the process should be given a chance.

Commissioner Amador inquired if Commissioner Brossy de Dios is recommending that drones be included in the prohibition. Commissioner Brossy de Dios clarified that what he is requesting simply because it was mentioned in the public testimony that the evolving technology of drones may soon if not already facilitate what was previously proposed to be done by a helicopter and that is not something that our zoning code necessarily anticipates. So he was asking staff to look into the issues regarding that and report back.

Commissioner Amador inquired if the request is to permit or prohibit drones. Commissioner Brossy de Dios replied that it was connected to his request that when the resolution is redrafted that it include mention that airports, heliports, and helipads not be included as part of this application and were it to be considered to would be in violation of the conditional use permit. His request to staff is look at the use of drones since there is currently is no language in the zoning code and whether that has any bearing on this proposal or should be considered in the conditions of the use.

Chairperson Sullivan stated that he wanted to respond to the comment about how he addressed the gentleman who is the president of the company. At time when he did that the gentleman in his presentation had referred to the fact they were supportive of events and giving to organizations that are in support of autism and Alzheimer and things of that

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sort. He referred to the fact that he is an active participant with raising funds for the American Cancer Society. He and his wife have spent an exorbitant amount of time and years in raising money for the American Cancer Society. So his response to him was that they have a common interest. He stated that the Planning Commission's responsibility is not to analyze or talk about the company's business plan and what their business model is, that is not their function. They are here to help define that business and the building that they are going to use to conduct the business. How they run their business or where they get their business model from is not within their purview.

He stated that one of the speakers has been very adamant about the whole thing with the FAA and he is sensitive to that. He stated that there was a meeting about this a couple years ago and they speaking this very issue about helicopter in the city and he asked at the time if that meant that they regulate the Fire and Police Department. They have a different set of rules that they go by. Not everything can be mandated or regulated. The issue is not a debt issue, but that is not what they are here for tonight.

Attorney Berger stated that the recommendation is to vote on whether to approve or disapprove the application and then come back with a draft resolution at the next meeting to memorialize the decision tonight. That would not be a continuance of the public hearing. It would simply in essence be a ministerial action to adopt the resolution based upon the Commission's direction tonight. He wanted to make one mention about the heliport issue. There was a public comment about the applicant entering into a contract to make sure that they would not come back with regards to heliports. The Commission can actually impose a condition that that never happens and since that is in conformance with what the municipal code will in the future say based upon recommendations from the Planning Commission and City Attorney's Office and make it clear that heliports are prohibited in Monterey Park. It can be added as a condition of approval if the Commission decided to approve the project and it would be brought back as part of the draft conditions of approval.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested conditional use permit for a hospital use for 1977 Saturn Street and **directed** staff to prepare a resolution for consideration at the next regularly scheduled of March 27, 2018 which would approve the conditional use permit for a hospital use only and at that point a decision can be made as to whether or not adopt that draft resolution.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Choi, motion carried by the following vote:

Ayes:	Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes:	Commissioners: None
Absent:	Commissioners: None
Abstain:	Commissioners: None

Action Taken: The Planning Commission after considering the evidence present during the public hearing **recommended** to the City Council to look at the airport, helipad, and heliport language in the 1985 Ordinance.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

Motion: Moved, by Commissioner Amador and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

3-B CONDITIONAL USE PERMIT (CU-17-10) TO ALLOW FOR A WIRELESS TELECOMMUNICATION FACILITY (VERIZON) IN THE O-S (OPEN SPACE) ZONE – 1909 FULTON AVENUE

Action Taken: The Planning Commission **continued** the requested conditional use permit for a wireless telecommunication facility for 1909 Fulton Avenue to a date uncertain.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

3-C TENTATIVE MAP NO. 82024 (TM-18-02) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 3-UNIT RESIDENTIAL DEVELOPMENT IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE – 217 NORTH NICHOLSON AVENUE

Planner Tewasart provided a brief summary staff report.

Chairperson Sullivan opened the public hearing

Applicant Perry Chan stated that he is present on behalf of the property owner.

Commissioner Brossy de Dios inquired about the site and driveway layout. Planner Tewasart replied that the city's codes require the driveway to be offset. Commissioner Brossy de Dios inquired about the common open space and expressed concerns not so much the letter but the spirit of the code. The fact that the common open space is tucked back so far into the property behind all the other units that essentially the common open space will effectively become units three's backyard.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested tentative map for 217 North Nicholson Avenue.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Amador, motion carried by the following vote:

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

Ayes: Commissioners: Sullivan, Robinson, Amador, and Choi
Noes: Commissioners: Brossy de Dios
Absent: Commissioners: None
Abstain: Commissioners: None

3-D CONDITIONAL USE PERMIT (CU-17-14) TO ALLOW FOR A MASSAGE ESTABLISHMENT IN THE C-S, P-D (COMMERCIAL SERVICES, PLANNED DEVELOPMENT) ZONE – 109 NORTH SIERRA VISTA STREET

Planner Tewasart provided a brief summary of the staff report.

Commissioner Choi inquired about the total number of massage establishments. Planner Tewasart replied 14 or 15. Commissioner Choi inquired if there are any within the immediate vicinity. Planner Tewasart replied no, closer to the downtown area. Commissioner Choi inquired if there have been any code enforcement issues. Planner Tewasart replied that according to the Police Department there have been no issues.

Commissioner Amador stated that she observed that the men's changing room is substantially larger than the women's. Director Huntley replied that the floor plan is per code and dimensions are not too far off. The men's changing room is a little wider.

Commissioner Amador inquired if the City has a limit on massage establishments. Director Huntley replied that there are some cities that have had more of a problem with massage establishments for the reasons that we are all concerned about, but far as this city goes staff spends a lot of time talking with our police department and based on their feedback they really have not had any significant issues in recent times with these. Those willing to take the time and energy to go through this process tend to be more reputable and we have not had any issues with those. If the Police Department had brought to our attention that there are some issues with massage establishments then maybe we would be appropriate to set distance requirements or maximums within the City, but there has not been an impetuous for staff start looking into these factors.

Commissioner Amador inquired if for the next conditional use permit application for a massage establishment if a map can be provided showing the location of all the massage establishments in the City. Director Huntley replied yes.

Commissioner Robinson stated that this is a free enterprise system and we are business friendly.

Chairperson Sullivan opened the public hearing.

Representative Bryant Nguyen stated that he is present on the behalf of the applicant.

Chairperson Sullivan inquired if the business owner had a similar business in a different city and is relocating. Representative Nguyen replied in San Gabriel. Chairperson Sullivan inquired if they are relocating because of issues. Representative Nguyen replied no issues. They just want to move closer to their home.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

Chairperson Sullivan closed the public hearing.

Chairperson Sullivan inquired if due diligence is done on the applicant and operating history. Director Huntley replied that when these types of applications come in staff will circulate it to the police department and the police department will go through and vet it.

Attorney Berger stated that background checks are required of the applicants, including a permit history.

Action Taken: The Planning Commission **approved** the requested conditional use permit for a massage establishment for 109 North Sierra Vista Street.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Commissioner Choi requested that the Planning Commission consider expanding the public notification radius from 300 feet to 500 feet and increasing language access by a certified translator, similar to ballot mailings. He stated to provide a survey including cost.

[7.] STAFF COMMUNICATIONS AND MATTERS:

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 9:00 p.m.

Next regular scheduled meeting on March 27, 2018 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community



Planning Commission Staff Report

DATE: April 24, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a General Plan Amendment (GPA-17-01), Zone Change (ZC-17-01), and Tentative Map No. 77195 (TM-17-10) to subdivide air rights for an 8-unit residential development – 2011 Potrero Grande Drive.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve General Plan Amendment (GPA-17-01), Zone Change (ZC-17-01), and Tentative Map No. 77195 (TM-17-10) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development) in that the project is the subdivision of air rights to establish and maintain an 8-unit condominium development. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is a vacant dirt lot and has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services because the City is the utilities and public services provider. No variances are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel is relatively flat and does not have an average slope greater than 20 percent.

EXECUTIVE SUMMARY:

The applicant, Eric Everhart of Enterprise One Inc., seeks a General Plan Amendment, Zone Change, and Tentative Map to subdivide air rights to develop an 8-unit condominium project at 2011 Potrero Grande Drive ("Project Site"). The subject

property is zoned C-S (Commercial Services) and the General Plan designation is Commercial.

Property Description

The project site is located on the north side of Potrero Grande Drive, three lots east of Saturn Street. The property is a 32,424 (0.74) square feet vacant lot. The lot is regular shaped and relatively flat. Properties located to the north of the subject property include a Southern California Edison (SCE) easement, to the south is Potrero Grande Drive and SCE property, to the west is a SCE vacant lot, and to the east is an 80-unit residential development (Encanto Walk). The property is accessible from Potrero Grande Drive, a principal arterial street with a width ranging from 84 to 100 feet curb-to-curb within a 100- to 120-foot right-of-way.

General Plan Amendment

The applicant proposes to amend the General Plan designation from Commercial to Medium Density Residential. According to the General Plan Land Use Element, the Medium Density Residential land use provides for moderate density housing either as attached or detached units at a density range of 0 to 16 units per acre. The applicant proposes to construct 8 units to the acre or 70 percent of the maximum density allowed. The lot size will not change and the maximum allowable height will be less intensive than the current commercial zone, decreasing from 40 feet, 3-stories to 30 feet, 2-stories. Therefore, the applicant is not proposing to exceed the density prescribed in the R-2 zone. According to Monterey Park Municipal Code (MPMC) § 21.42.020 (C) and (E) voter approval of changes does not apply to general plan and/or zone changes which neither increases residential density, nor exceeds one acre of land.

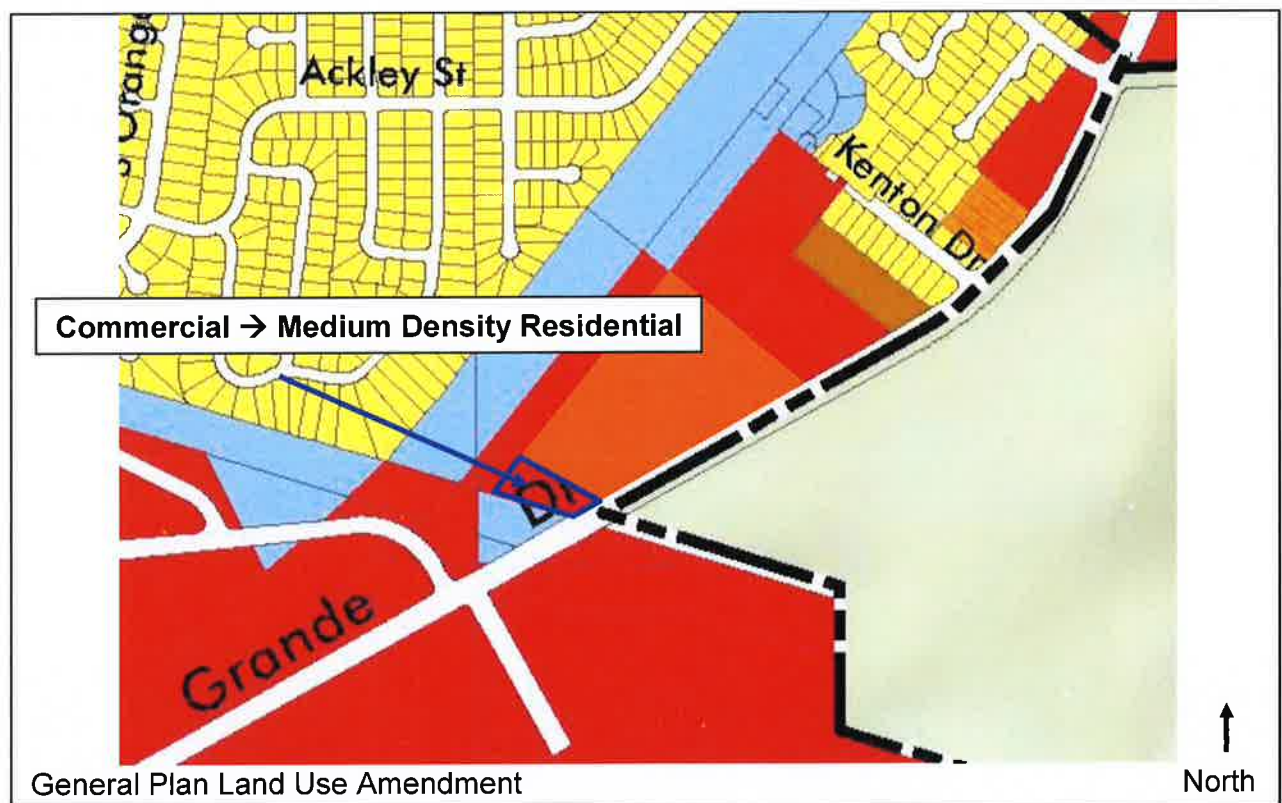
The proposed General Plan Amendment is appropriate for the site for several reasons. First, although the property is currently zoned Commercial Services (C-S) and designated Commercial in the General Plan, the City has not received a commercial development proposal for the site for the past few decades. In fact, the only proposal received for the site was another residential development in 2005. In addition, as stated above, the property abuts SCE property to the north, south, and west. To the east of the project site is Encanto Walk, a residential development approved by referendum and the City Council in 2014, a public storage facility, wholesaling and warehousing buildings and a few other commercial tenant spaces that have experienced high levels of turnovers and vacancies. Since the subject property is surrounded on three sides by SCE property and a new housing project to the east, residential development at the density proposed would be the most appropriate development pattern in this location.

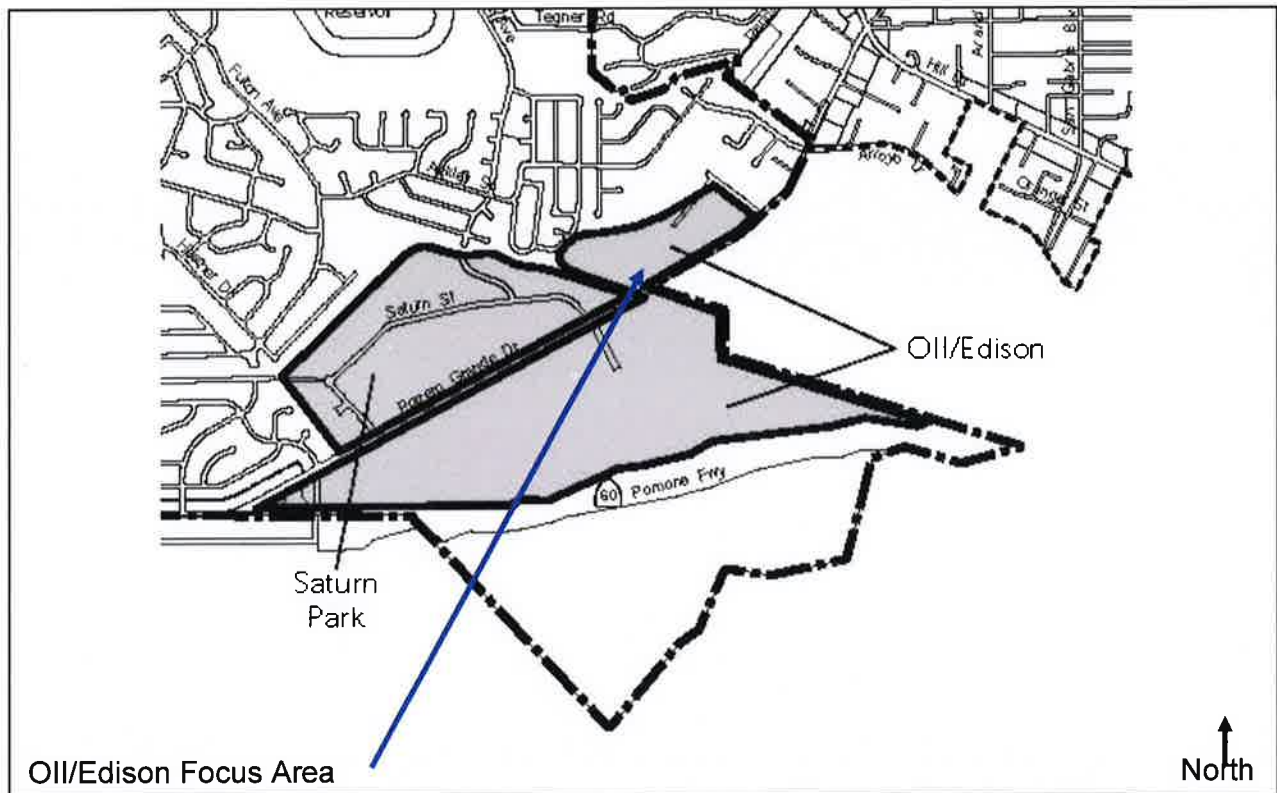
The subject site is located in the OII/Edison Focus Area. According to the OII/Edison Focus Area, SCE owns properties east of Saturn Street and north of Potrero Grande Drive. SCE could potentially consolidate operations on the property to create potential development sites, utilizing areas beneath power lines for parking. According to the General Plan, it is the intent of the City to maintain the Saturn Park area as a suitable location for diverse industrial and professional office activity, while ensuring that permitted uses do not pose a substantial risk to surrounding residential neighborhoods. By approving the requested Zone Change, the permitted use of the lot as residential

only will guarantee that the land will not be used for industrial processes, laboratory, light manufacturing, and/or warehouse use. Therefore, the requested Zone Change would comply with the City's General Plan by reducing the risk to surrounding residential neighborhoods. Furthermore, housing represents a key City asset; Goal 9.0 of the General Plan explains that it is the intent of the City to maintain and enhance the quality of life of existing residential neighborhoods. By approving the requested Zone Change, the applicant will be able to use the site to create more housing options in the City and utilize the land for residential – rather than commercial- use.

Without any long term plans from SCE to consolidate property for development, the focus of commercial development on the OII/Edison area south of Potrero Grande Drive and north of the Pomona Freeway, and the development of Encanto Walk to the east, there is less potential for a future commercial development on the project site. The project site is currently underutilized and is more suitable for the proposed residential development.

According to MPMC Chapter 21.42, General Plan Amendment application must be filed; the Planning Commission conducts a public hearing; and following the public hearing, the Planning Commission makes a recommendation to the City Council regarding the proposed General Plan Amendment.



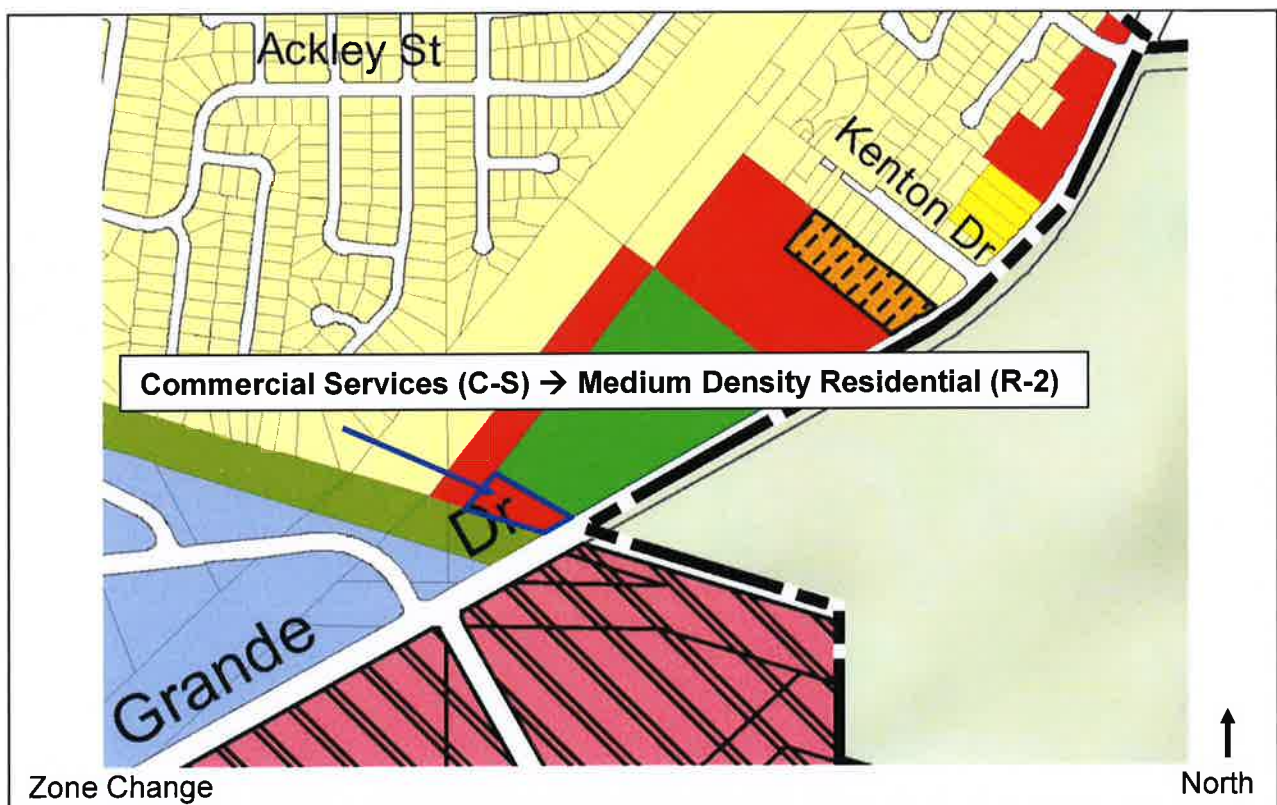


Zone Change

The applicant proposes to change the current zone from C-S (Commercial Services) to R-2 (Medium Density Residential). The proposed density will allow 8 units per acre, which is consistent with the density allowed for the R-2 (Medium Density Residential) Zone. According to MPMC Table 21.08(F), the Medium Density Residential Zone allows for a building density of 1 unit per 2,723 square feet of lot area for a lot at least 100 feet wide and 15,000 square feet in size or up to 11 units for the project site. The proposed project is an 8 unit residential development. The proposed project will provide the setbacks required an R-2 zoned residential development, including a 25 feet front setback, 25 feet rear setback, 5 feet side setback for the first floor, and a 10 feet side setback for the second floor. The proposed 8-units will range in size from 1,328 square feet to 1,473 square feet will all have 3-bedrooms. According to MPMC § 21.22.050, the parking requirement is a two-car garage plus one guest parking space per unit. Each unit will provide a two-car garage plus one guest parking space per two units. The project includes a 26 feet wide driveway. According to MPMC Table 21.08(E), the minimum required private open space is 250 square feet per unit and 600 square feet of common open space per unit. The proposed project will provide more than the minimum 250 square feet private open space requirement. The required common open space for the development is 4,800 square feet and 4,811 square feet will be provided.

The proposed Zone Change is appropriate for this property because, as previously stated, the project site abuts SCE property on three sides, including a 373 feet right-of-way to the north, vacant SCE-owned property to the west and Potrero Grande Drive and SCE-owned property to the south. Also, the General Plan land use and zoning for the

property to the east was changed from commercial to residential in 2014 to allow an 80-unit residential development. At that time, it was noted that a few lots to the east of that property had already been approved for higher density residential development, including a 114-unit affordable senior housing apartment development and a few other R-2 zoned lots and that the area would serve as a transition zone between the lower intensity residential uses to the north and higher intensity commercial land uses to the south. Additionally, the proposed zone change would be compatible with the land use designation to the north and will have minimal impacts on the residential properties located north of the SCE right-of-way. Currently, the proposed Zone Change would make the subject property more consistent and compatible with the land uses in the immediate vicinity. Lastly, there are changed conditions since the adoption of the existing zoning to warrant additional zoning of the type requested, in that there exists a higher demand for housing to serve the growing population and the proposed Zone Change will allow for greater housing opportunities in the City.



Tentative Map

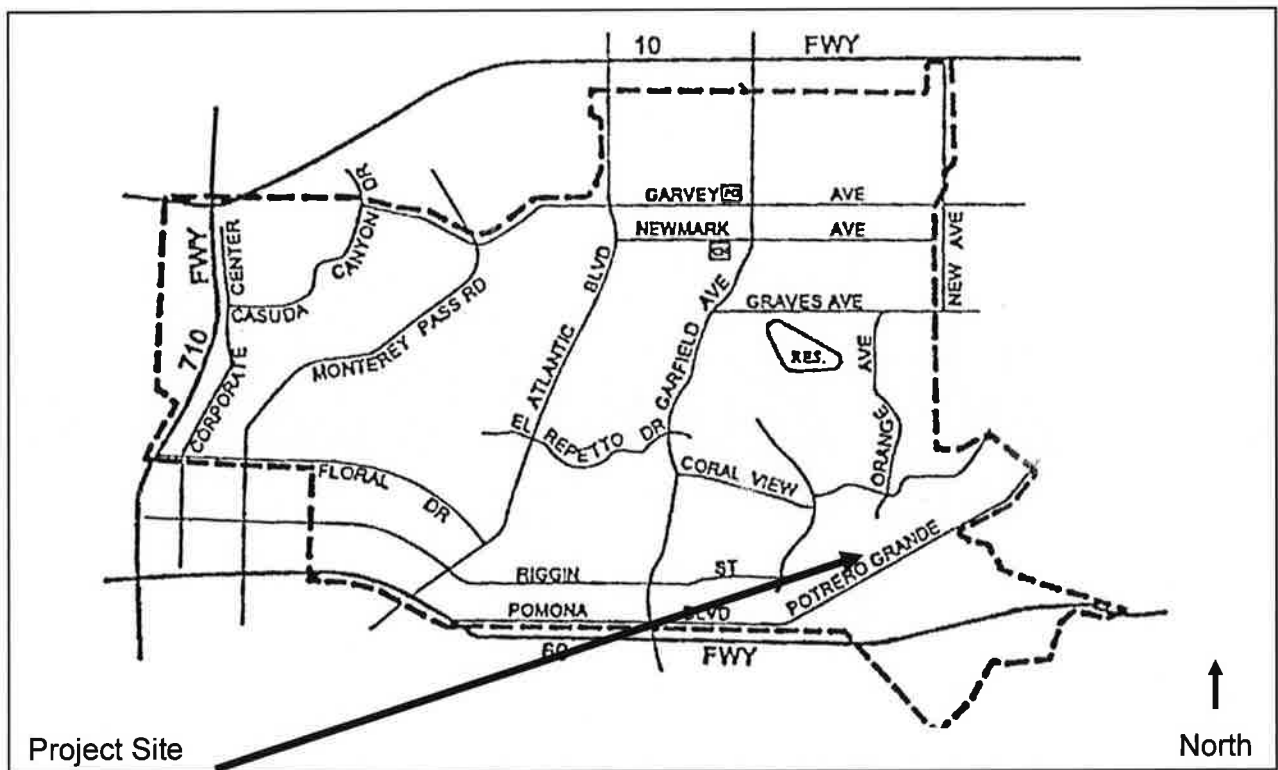
The request also includes a Tentative Tract Map to subdivide air rights to develop 8 condominium units. The property will remain as one lot. Under California law, a tentative map is required to allow for the subdivision of air space for separate ownership of each of the units. The common open space area will be maintained by a Homeowner's Association, which will be a requirement of the covenants, conditions and restrictions ("CC&Rs") that must be recorded. This proposal will allow for the subdivision of air rights for condominium purposes only.

OTHER ITEMS:

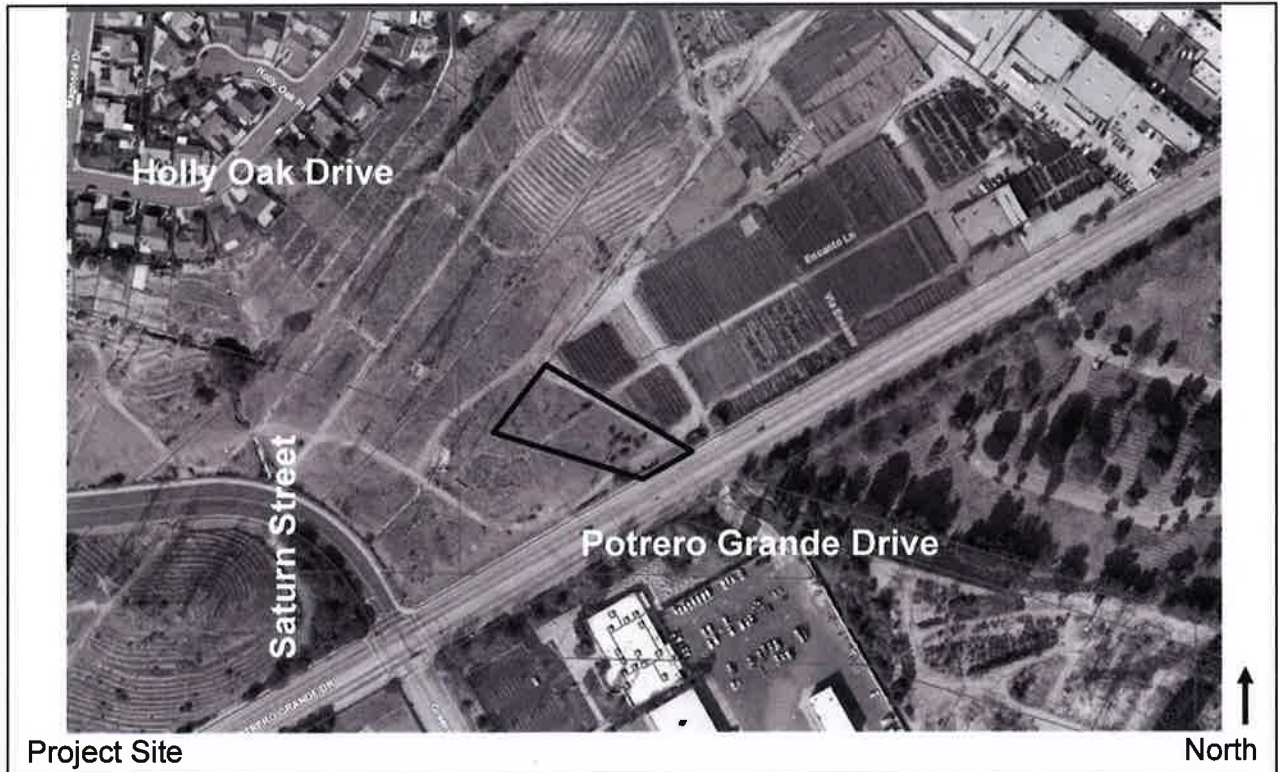
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **March 30, 2018** and published in the Wave on **April 5, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **91** property owners within a 300 foot radius and current tenants of the property concerned on **March 30, 2018**.

Vicinity Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There will be an increase in property tax revenue, and an incidental increase in sales tax revenue by the introduction of additional housing along Potrero Grande Drive.


Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Tentative Map No. 77195

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT (GPA-17-01), ZONE CHANGE (ZC-17-01), AND TENTATIVE MAP NO. 77195 (TM-17-10) TO SUBDIVIDE AIR RIGHTS FOR AN 8-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 2011 POTRERO GRANDE DRIVE

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On October 19, 2017, Enterprise One Inc., submitted an application pursuant to Tile 20 and 21 of the Monterey Park Municipal Code ("MPMC"), requesting approval of General Plan Amendment (GPA-17-01), Zone Change (ZC-17-01), and Tentative Map No. 77195 (TM-17-10) to construct a new 8-unit residential development at 2011 Potrero Grande Drive ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for April 24, 2018. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On April 24, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff, members of the public, and the applicant's representatives; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its April 24, 2018 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The property is zoned C-S (Commercial Services) and the General Plan designation is Commercial. The project includes the subdivision of air rights to create and develop the subject property at a maximum density of 8 dwelling units per acre. Because residential use is prohibited in the C-S zone, the applicant is requesting a General Plan Amendment and a Zone Change to change the land use designation of the property

**PLANNING COMMISSION
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from C-S to Medium Density Residential (R-2) in order to accommodate the proposed 8-unit condominium project.

- B. The project site is located on the north side of Potrero Grande Drive, three lots east of Saturn Street. Properties located to the north of the subject property include an easement enjoyed by Southern California Edison ("SCE") and single-family dwellings, to the south are Potrero Grande Drive and SCE's administrative office headquarters, to the west is a vacant lot owned by SCE, and to the east is an 80-unit residential development (Encanto Walk), a public storage facility, wholesaling and warehousing buildings and a few other commercial tenant spaces, and a 114-unit affordable senior housing apartment development.
- C. The property is a 32,424 (0.74) square feet vacant dirt lot. The lot is regular shaped and relatively flat.
- D. The property is accessible from Potrero Grande Drive, a principal arterial street with a width ranging from 84 to 100 feet curb-to-curb within a 100- to 120-foot right-of-way.
- E. The City has not received a commercial development proposal for the site for the past few decades. Additionally, commercial tenant spaces in the area experience high levels of turnovers and vacancies. The property abuts property owned by SCE to the north, south, and west. To the east of the project site is Encanto Walk, a residential development approved by referendum and the City Council in 2014. Residential development at the density proposed would be appropriate in this location. Without any long-term plans from SCE to consolidate property for development, the focus of commercial development on the OII/Edison area south of Potrero Grande Drive and north of the Pomona Freeway, and the development of Encanto Walk to the east, there is less potential for a future commercial development on the project site. The project site is currently underutilized and is more suitable for the proposed residential development.
- F. The proposed Zone Change is appropriate for this property because, as previously stated, the project site abuts SCE property on three sides, including a 373 feet right-of-way to the north, vacant SCE-owned property to the west and Potrero Grande Drive and SCE-owned property to the south. Also, the General Plan land use and zoning for the property to the east was changed from commercial to residential in 2014 to allow an 80-unit residential development; few lots to the east of that property had already been approved for higher density residential development, including a 114-unit affordable senior housing apartment development and a few other R-2 zoned lots and that the area would serve as a transition zone between the lower intensity residential uses to the north and higher intensity commercial land uses to the south. There are changed conditions since the adoption of the existing zoning to warrant additional zoning of the type requested, in that there exists a higher demand for housing to serve the growing population and the proposed Zone Change will allow for greater housing opportunities in the City.

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RESOLUTION NO.
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- G. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area. The property is not located within a natural watershed or wildlife corridor.
- H. There are no public easements for access within the proposed development.
- I. The site on which the property is located is not identified as a hazardous site and is not located in close proximity to any known health hazards.

SECTION 3: *Environmental Assessment.* A tentative map is not a project as defined by the California Environmental Quality Act (CEQA) Guidelines and therefore not subject to environmental review. A project is defined as "the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development) in that the project is the subdivision of air rights to establish and maintain an 8-unit condominium development. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is a vacant dirt lot and has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services, because the City is the utilities and public services provider. No variances are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel is relatively flat and does not have an average slope greater than 20 percent.

SECTION 4: *General Plan Amendment and Zone Change Findings.* After considering the factual findings of this Resolution and the accompanying staff report, the Commission finds as follows pursuant to MPMC § 21.42.020(E):

- A. The applicant is requesting a General Plan Amendment and Zone Change to change the land use designation of the property from Commercial Services (C-S) to Medium Density Residential (R-2). The City has not received a commercial development proposal for the site for the past few decades. Additionally, commercial tenant spaces in the area experience high levels of turnovers and vacancies. The property abuts property owned by SCE to the north, south, and west. To the east of the project site is Encanto Walk, a residential development approved by referendum and the City Council in 2014. The proposed Zone Change (and necessary amendments to the General Plan in order to accommodate the Zone Change) to allow for development of the proposed 8 unit residential development would conform with the General Plan by making the subject property more consistent and compatible with the land uses in the immediate vicinity. The proposed zone change would be compatible with the land use

**PLANNING COMMISSION
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PAGE 4 OF 6**

designation to the north and will have minimal impacts on the residential properties located north of the SCE right-of-way.

- B. General plan changes which neither exceed one acre of land nor increase residential density do not require voter approval. The property is a 32,424 (0.74) square feet vacant lot. The lot is regular shaped and relatively flat. The proposed project is an 8-unit condominium development which will not exceed the density prescribed in the R-2 zone. The lot size will not change and the maximum allowable height will be less intensive than the current commercial zone, decreasing from 40 feet, 3-stories to 30 feet, 2-stories. A General Plan Amendment application must be filed; the Planning Commission conducts a public hearing; and following the public hearing, the Planning Commission makes a recommendation to the City Council regarding the proposed General Plan Amendment.

SECTION 5: Tentative Map Findings. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

1. The subject property is proposed to be developed at a maximum density of 8 dwelling units per acre, which will not exceed the maximum allowed standard of 16 dwelling units per acre for medium density residential uses. The lot is accessible from Potrero Grande Drive, a principal arterial with a width ranging from 84 to 100 feet curb-to-curb within a 100- to 120-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development.
2. The site is physically suitable for the type of development and the proposed density of the development. The size of the lot is 32,424 (0.74) square feet; under the parameters of the Medium Density Zone requirements, this lot size could accommodate up to 11 units (as the Medium Density Residential Zone allows for a building density of 1 unit per 2,723 square feet of lot area for a lot at least 100 feet wide and 15,000 square feet in size). The proposed application is for an 8-unit condominium project; therefore, the size of the lot is physically suitable for the type and density of the development proposed.
3. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area. The property is not located within a natural watershed or wildlife corridor and therefore is not likely to disrupt environmentally sensitive areas outside of the immediate project area.
4. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City,

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State, and Federal regulations and specifications. The site on which the property is located is not identified as a hazardous site and is not located in close proximity to any known health hazards. The type of use of the property is to be residential, which is unlikely to result in serious health problems.

5. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 6: *Recommendation.* The Planning Commission recommends that the City Council:

- A. Adopt the Ordinance set forth in Exhibit "A," and incorporated by reference, that would approve General Plan Amendment (GPA-17-01), Zone Change (ZC-17-01), and Tentative Map No. 77195 (TM-17-10) in its entirety including, without limitation, the conditions of approval set forth within the draft Ordinance.

SECTION 7: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 10: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 11: A copy of this Resolution will be mailed to the applicant and to any other person requesting a copy.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 6**

SECTION 12: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

ADOPTED AND APPROVED this 24th day of April 2018.

Larry Sullivan, Chairperson

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 24th day of April 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Natalie C. Karpeles,
Deputy City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

2011 POTRERO GRANDE DRIVE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Enterprise One Inc. agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of General Plan Amendment (GPA-17-01), Zone Change (ZC-17-01), and Tentative Map No. 77195 (TM-17-10) ("Project Conditions").

PLANNING:

1. Enterprise One Inc. (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claims, actions, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of GPA-17-01, ZC-17-01, and TM-17-10 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City's approval of GPA-17-01, ZC-17-01, and TM-17-10, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the elected officials, appointed officials, officers, and employees of the City of Monterey Park.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.

**PLANNING COMMISSION
RESOLUTION NO.**

5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
6. The real property subject to TM-17-10 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

11. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
12. A valid building permit does not allow excavations to encroach into adjacent property. Requirements for protection of adjacent property are defined in Civil Code § 832.
13. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
14. A soils and geology report is required as part of plan check submittal.
15. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
16. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

17. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General

**PLANNING COMMISSION
RESOLUTION NO.**

Construction Activity Storm Water” Permit, and the City of Monterey Park will condition the issuance of the grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, prior to the issuance of a building or grading permit.

18. The applicant must record the Final Map after the City Council approves the final map and the City Council accepts any applicable bonds or agreements.
19. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
20. The developer/owner is responsible for paying all applicable City development impact fees as required by the MPMC.
21. Covenants Conditions & Restrictions (“CC&Rs”) conforming to these conditions of approval must be filed with the City Engineer, or designee, for approval. The CC&Rs must be approved as to form by the City Attorney; the applicant must pay for all costs associated with such review. A copy of the approved recorded CC&Rs must be submitted before final inspection and clearance of the building permit.
22. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
23. A water plan must be submitted for review and approval from the City Engineer, or designee. This plan must substantiate adequate water service for domestic flow, fire flow, and identify backflow prevention. A water system analysis must be provided by the developer to demonstrate that the new development does not negatively impact the existing system. If the existing system does not have adequate pressure and fire flow to serve the development, the developer will be responsible for upgrading the water main as necessary in the public right-of-way.
24. The domestic water demand study must be provided to the City in the form (Average Hourly Demand) and (Peak Hourly Demand) at the time building plans are submitted for plan check. If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. This must include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City’s Water Division and the City Engineer, or designee.

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25. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
26. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
27. All storm drainage facilities serving the development must accommodate a 50-year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications. The City Engineer must approve all plans for such design and construction before the Public Works Director, or designee, approves grading and drainage plans.
28. The applicant must provide a street improvement plan for Potrero Grande Drive up to the street centerline. The street improvement must consist of pavement grinding and rubberized asphalt overlay and may require localized pavement repairs depending on the conditions of the streets. The new curb and gutter, main entry driveway, 5-foot wide sidewalk and 5-foot wide parkway must be constructed with landscape and irrigation. The improvements along the entire property frontage must be approved by the City Engineer.
29. A street lighting/photometric plan must be prepared for the review and approval of the City Engineer.
30. The applicant must prepare landscaping and irrigation plans and all parkway tree types must be reviewed and approved by the Recreation and Community Services Director, or designee.
31. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or the applicant must enter into a public improvement agreement, in a form approved by the City Attorney that is secured by an appropriate surety before a final map may be approved by the City Council.
32. All electric, telephone and cable TV utility services must be installed fully underground and in accordance with City standards. A utility plan must be

**PLANNING COMMISSION
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prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.

33. The applicant must provide a Sewer Study for existing wastewater contributory flow and sewer connection at the time building plans are submitted for plan check. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with the provisions of Chapter 14.06 of the Monterey Park Municipal Code.
34. All buildings must have roof gutters and all roof drainage must be conducted to the streets or an approved drainage facility in a manner approved by the City Engineer prior to the approval of the drainage plans.
35. The grading and drainage plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the approved geotechnical report. The removals of any onsite pesticide contaminated soil must be included as part of the grading and drainage plan for the site.
36. The Tentative Map must incorporate the adopted conditions of approval and any specific criteria noted by the City Engineer. The tentative map must also show existing drainage patterns of all properties adjacent to the site, including relevant topographic elevations from the adjacent properties.
37. The City reserves the right to restrict driveway access to and from the project in the event future traffic conditions warrant such restricted turn movements.

FIRE:

38. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extent to which any condition may be required.
39. All structures must be fully sprinklered per National Fire Protection Association (NFPA) 13D and local amendments.
40. The proposed fire hydrant must be able to provide 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for 1 hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by a written request to the Fire Department, per California Fire Code (CFC) Appendix B and C.
41. Address numbers must be provided on the street curb. Numerals must be four inches in height, two and one-half inches in width with a stroke width of approximately three-fourths inch. The house number must be centered on a six-inch by 16-inch. Rectangular background, per MPMC § 13.17.050.

**PLANNING COMMISSION
RESOLUTION NO.**

By signing this document, Enterprise One Inc., certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Enterprise One Inc., Applicant

ATTACHMENT 2

Tentative Map No. 77195



Planning Commission Staff Report

DATE: April 24, 2018

AGENDA ITEM NO: 4-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 73622 (TM-15-04) to subdivide one lot into 9 lots – 1585 Sombrero Drive.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 73622 (TM-15-04) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On February 13, 2018, the Planning Commission considered evidence presented at the August 11, 2015 meeting and supplemental information including the project geotechnical report that was reviewed and approved by the City's Engineering Division. The staff reports from the August 11, 2015 and February 13, 2018 meetings are attached for reference.

At the February 13th meeting, the Planning Commission had additional questions about the site drainage and alignment and angle of the private street, and continued the application to the March 27, 2018 meeting. At the March 26th meeting, the applicant requested a continuance of the application to the April 10th meeting to allow for additional time to address the matters and then requested another continuance on April 10th to the meeting of April 24, 2018.

Since the February 13th meeting, the applicant has been working with the City's Engineering Division to address the concerns raised by the Planning Commission. According to the Engineering Division, the initial conceptual design of the site drainage to Campanita Court is acceptable with the condition that a hydrology and hydraulic study and Low Impact Development (LID) report be submitted and approved prior to the recording of the final map.

With regards to the alignment and angle of the private street, the Engineering Division reviewed the conceptual grading and drainage plan and determined that the proposed

horizontal and vertical alignments of the driveway are acceptable. In terms of the horizontal alignment of the driveway approach, according to the grading and drainage plan, the driveway approach is approximately 56 feet wide. Each lane will be approximately 28 feet at the approach. The distance from the curb line to the edge of the driveway along the middle of the exiting lane (14 feet from the edge of the approach) is approximately 20.5 feet when it is measured perpendicular to Sombrero Drive. That distance will allow the car to be near perpendicular to the street at the edge of the curb before the car turns into Sombrero Drive. When the car is behind the curb and ready to turn into Sombrero Drive the cars coming down slope will be on the left hand side and cars coming upslope will be on the right hand side. The Los Angeles County code requires unobstructed viewing distance of 260 feet for streets with a 25 mile per hour (mph) speed limit. Based on the street configuration, the required viewing distance could be achieved. The side walls would not block car viewing due to their height and locations.

In terms of the vertical alignment (profile) of the up-sloping driveway, per Los Angeles County standards, the line of sight analysis is based on a car parked behind the curb line and the driver located 10 feet behind the curb line. The driveway is mostly a 15 percent slope. However, based on the conceptual grading plan (attached), the slope at the top of the driveway is relatively flat. From the curb line (flow line) toward the end of the cul-de-sac, the grade goes higher 4 feet long at an 8.33 percent slope, followed by 4 feet of sidewalk at a 2 percent up slope, then 10 feet of 5 percent down slope before the 15 percent descending slope. At 10 feet behind the curb (flow) line, the grade is slightly higher than the flow line grade. The transition slope provides an adequate flat surface at the top of the slope for the line of sight.

Based upon the information and analysis provided by the applicant, it is recommended that the Planning Commission adopt the draft resolution approving the application.


Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie Karpeles
Deputy City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Tentative Map No. 73622

Attachment 3: Planning Commission Staff Report and Minutes, dated February
13, 2018

Attachment 4: Planning Commission Staff Report and Minutes, dated August 11,
2015

Attachment 5: Project Geotechnical Report and Drainage and Grading Plan

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 073622 (TM-15-04) TO SUBDIVIDE ONE LOT INTO 9 LOTS AT 1585 SOMBRERO DRIVE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On June 4, 2015, Yaonan Duan, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 073622 (TM-15-04) to subdivide one lot into 9 lots at 1585 Sombrero Drive ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for August 11, 2015, February 13, 2018, and April 24, 2018. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On August 11, 2015, February 13, 2018, and April 24, 2018 the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant, Yaonan Duan; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its August 11, 2015, February 13, 2018, and April 24, 2018 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to subdivide one lot into 9 lots, in order to create 8 single-family lots and one private street;
- B. 1585 Sombrero Drive is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 5**

- C. The Project property is located on the north side of Sombrero Drive, a local street with a 50-foot right-of-way. To property is surrounded to the north, south, east and west by single-family dwelling units with private yards;
- D. The Project property is 81,460 square feet (1.87 acres) in size and is currently a vacant hillside lot;
- E. Once the initial lot has been subdivided, the 9 proposed lots will range in size from 7,648 square feet to 9,554 square feet;
- F. There is no specific plan adopted for this area;
- G. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area, nor is the area located within a natural watershed or wildlife corridor;
- H. The site on which the property is located is not identified as hazardous site, and is not located in close proximity to any known health hazards; and
- I. There are no public easements for access within the proposed development.

SECTION 3: *Environmental Assessment.* A tentative map is not a project as defined by the California Environmental Quality Act (CEQA) Guidelines and therefore not subject to environmental review. A project is defined as "the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The construction of 8 residential dwelling units is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (Infill Development).

SECTION 4: *Tentative Map Findings.* The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow for the construction of 8 single-family dwelling units once the lot is subdivided. According to the General Plan Low Density Residential land use category the allowed density is 0 to 8 dwelling units per acre or 1 dwelling unit per 5,445 square feet of lot area. The proposed site is almost two acres, but the proposed density will be half the density allowed by the Low Density Residential land use category. The property is located on Sombrero Drive, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. The proposed subdivision

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 5**

and development are permitted in the R-1 zone and do not violate the City's minimum lot size and density requirements for this zone.

- B. The design or improvement of the proposed subdivision is consistent with the General Plan in that the project is located within the R-1 zoning district and meets all of the requirements of said district. The 9 lot subdivision project is compatible with the single-family dwelling units with private yards allowed in the low density residential category and is consistent with applicable provisions of the General Plan which envisions residential projects of this size on this site.
- C. The site is physically suitable for the type of development and the proposed density of the development. In the R-1 zone, one dwelling unit is allowed for every 6,000 square feet of lot area; the size of the property in question is 81,460 square feet (1.87 acres) and could theoretically accommodate about 14 homes. The project proposes the development of one dwelling on 8 of the subdivided lots. Therefore, the site is physically suitable for the type and density of the proposed development.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west with no known fish or wildlife habitat in the vicinity. The property is not located within a natural watershed or wildlife corridor and therefore is not likely to disrupt environmentally sensitive areas outside of the immediate project area.
- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems, because the site on which the property is located is not identified as hazardous site, and is not located in close proximity to any known health hazards. The type of use of the property is to be residential, which is unlikely to result in serious health problems.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no existing accessible easements within the project area. The project, as approved, meets all residential development standards and the parcel map allows the lot to be subdivided into residential units.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 73622 (TM-15-04).

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 5**

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 24th day of April 2018.

Chairperson Larry Sullivan

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 5**

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 24th day of April 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 

Natalie C. Karpeles,
Deputy City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1585 SOMBRERO DRIVE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Yaonan Duan agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Tentative Map No. 73622 (TM-15-04) ("Project Conditions").

PLANNING:

1. Yaonan Duan (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-15-04 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-15-04, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.

**PLANNING COMMISSION
RESOLUTION NO.**

5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
6. The real property subject to TM-15-04 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

11. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
12. A building permit does not permit excavations to encroach into adjacent properties. Requirements for protection of adjacent properties are defined in the California Civil Code §832.
13. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
14. A soils and geology report is required as part of plan check submittal.
15. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
16. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

17. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The developer/owner is required to obtain a "General Construction

**PLANNING COMMISSION
RESOLUTION NO.**

Activity Storm Water” Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. This project will require the preparation of a Low Impact Development (LID) and a Storm Water Pollution Prevention Plan (SWPPP). Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

18. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
19. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
20. The developer/owner is responsible for ascertaining and paying all City development fees such as, but not limited to, sewer deficiency fees, water meter fees and metered water service impact fees as required by the MPMC.
21. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit.
22. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
23. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
24. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of

**PLANNING COMMISSION
RESOLUTION NO.**

water meter and water services. All upgrading costs are the responsibility of the property owner.

25. The domestic water demand should be provided to the City in the form of (Average Hourly Demand) and (Peak Hourly Demand). If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. This should include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City's Water Division and the City Engineer.
26. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
27. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
28. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
29. A street lighting/photometric plans must be prepared for review and approved by the City Engineer. Streetlights must be installed along the frontage of the project site. The plans must be designed using Los Angeles County Standards.
30. Provide a street improvement plan for Sombrero Drive up to the street centerline. The street improvement must consist of pavement grinding and rubberized asphalt overlay and may require localized pavement repairs depending on the conditions of the streets. Construct new curb and gutter, main entry driveway, and 5-foot wide sidewalk. The improvements must be along the entire property frontage as approved by the City Engineer.

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31. Landscaping and irrigation plans must be prepared and all parkway tree types must be reviewed and approved by the City Parks Division.
32. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
33. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
34. Provide a Sewer Study for existing sewer contributory flow and sewer connection. If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. A sewer connection reconstruction fee will be assessed at the time of issuance of a building permit in accordance with the provisions of Chapter 14.06 of the Monterey Park Municipal Code (MPMC).
35. Construct wheelchair ramp(s) in the curb return at the street intersection (main driveway entrance).
36. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
37. Modify and/or correction the tentative map in accordance with the adopted conditions of approval of the tentative map and specific criteria noted by the City Engineer. Verify the drainage pattern of adjacent properties.

FIRE:

38. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
39. All structures must be fully sprinkler per the National Fire Protection Association (NFPA) 13D and local amendments.
40. Fire flow for entire project is 1,500 gpm at 20 psi for 2 hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by

**PLANNING COMMISSION
RESOLUTION NO.**

a written request to the Monterey Park Fire Department ("MPFD") per California Fire Code (CFC) Appendix B/C.

41. A written request must be made to the MPFD for fire lane grade greater than 10 percent per CFC D103.2.
42. Fire hydrants must be provided to ensure all points of all structures are within 600 feet of a hydrant. Hydrants must be in place and operational before construction commencing per CFC 507.5.1.
43. All curbs must be painted red to indicate no parking allowed per CFC Appendix D103.6.1.
44. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately $\frac{3}{4}$ inches. The house number must be centered on a 6-inch by 16-inch rectangular background per MPMC § 13.17.050.

POLICE:

45. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
46. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.
47. All common open areas must be well lit during the hours of darkness.

By signing this document, Yaonan Duan, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Yaonan Duan, Applicant

ATTACHMENT 2

Tentative Map No. 73622

ATTACHMENT 3

Planning Commission Staff Report and Minutes, dated February 13, 2018



Planning Commission Staff Report

DATE: February 13, 2018

AGENDA ITEM NO: 4-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 73622 (TM-15-04) to subdivide one lot into 9 lots – 1585 Sombrero Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 73622 (TM-15-04) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15332 (Class 32 – In-fill Development), because the project consists of the subdivision of land for the construction of new single-family dwelling units.

EXECUTIVE SUMMARY:

The applicant, Yaonan Duan, is requesting approval of a Tentative Map to subdivide one lot into 9 lots at 1585 Sombrero Drive ("Project Site").

On August 11, 2015, this application was presented to the Planning Commission for review and approval. At the meeting the Planning Commission expressed concerns about the slope stability and continued the application to October 13, 2015. On October 13, 2015, the applicant requested to continue the application to a date uncertain to allow for additional time to address the concerns. After a lengthy review between the project engineering firm, EGL Associates, and the City's Engineering Division, the project Geotechnical Report was approved and the application is brought back to the Planning Commission for review.

Extensive slope stability analysis has been conducted per the City's request. The analyses were conducted on a per lot basis, and were conducted on the most critical conditions of temporary cut and permanent building conditions. In order to maintain necessary slope stability, the geotechnical report requires that caissons be installed and that the built up slope include geogrids to stabilize the temporary and permanent slopes.

In summary, according to the Geotechnical Report, the proposed slopes with building loads were analyzed on a lot-by-lot basis. The upper slopes will be constructed with shoring piles a minimum of 2 feet in diameter and spaced 4 feet on center. The shoring will be designed as permanent structures to support the fill left in place and the new proposed fill. The shoring is designed for the lateral load capacities. A geogrid system will be used on the upper slope. The geogrid system will be placed every 2 feet vertical up to 3 feet below the bottom of the footings, or 5 feet below the proposed pad grade, whichever is deeper, and extend the entire width and length of the compacted fill. Any future excavations on any lot must be reviewed on a lot-by-lot basis. The geogrid placement is to be separate from the retaining walls construction and does not need to tie into the walls. Based on the results of the slope stability analyses the stabilization of the lower and upper slopes is possible utilizing geogrid and piles.

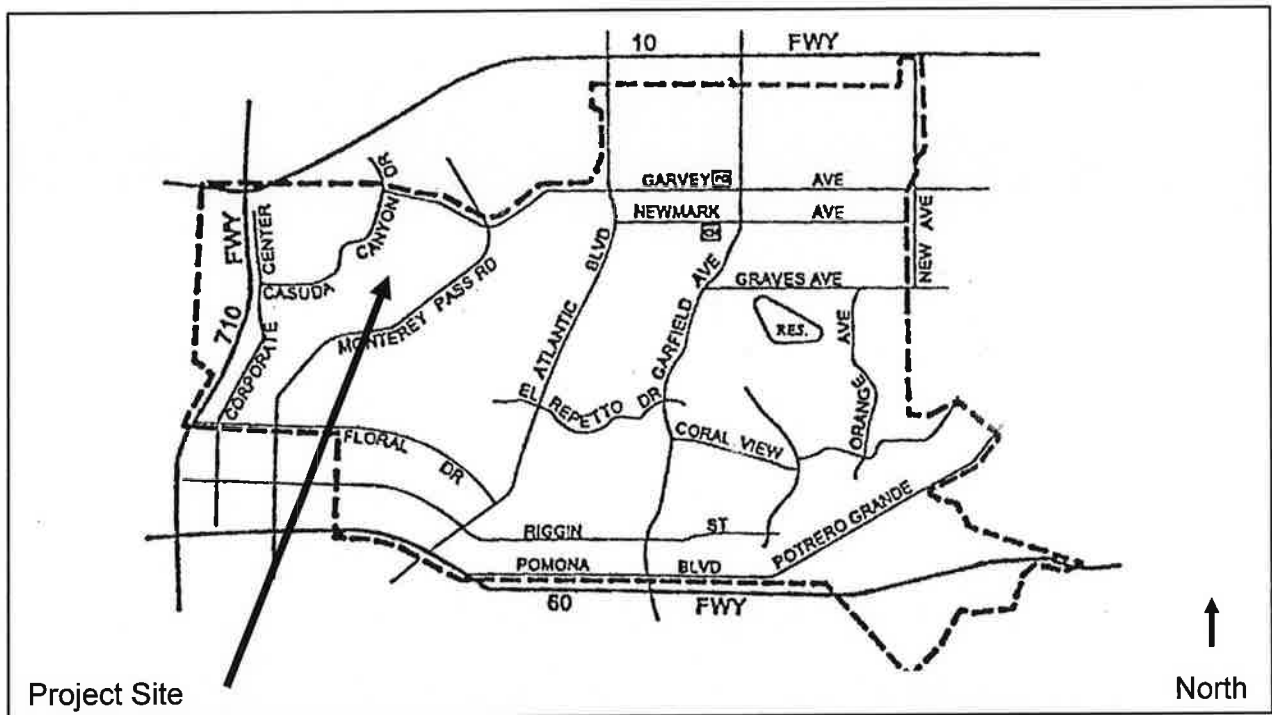
Additionally, on December 2017, the applicant hosted an outreach meeting to discuss the Geotechnical Report with the adjacent properties. Notices about the meeting were mailed to the properties located within 300 feet of the subject property. According to the applicant, eleven people were in attendance.

Overall, the scope of the project has not changed since the August 11, 2015 meeting. The design and project layout are the same. Staff has included the August 11, 2015 Planning Commission staff report for reference. The only new information presented to the Planning Commission is the approved Geotechnical Report. The proposed project meets the City's zoning regulations and development standards. The Low Density Residential land use allows traditional single-family homes, with one dwelling unit permitted per legal lot. Residences in this category consist generally of single-family detached houses with private yards. The subject property is currently a vacant hillside lot. The existing developments on Sombrero Drive include single-family dwellings many of which were constructed in the 1960s.

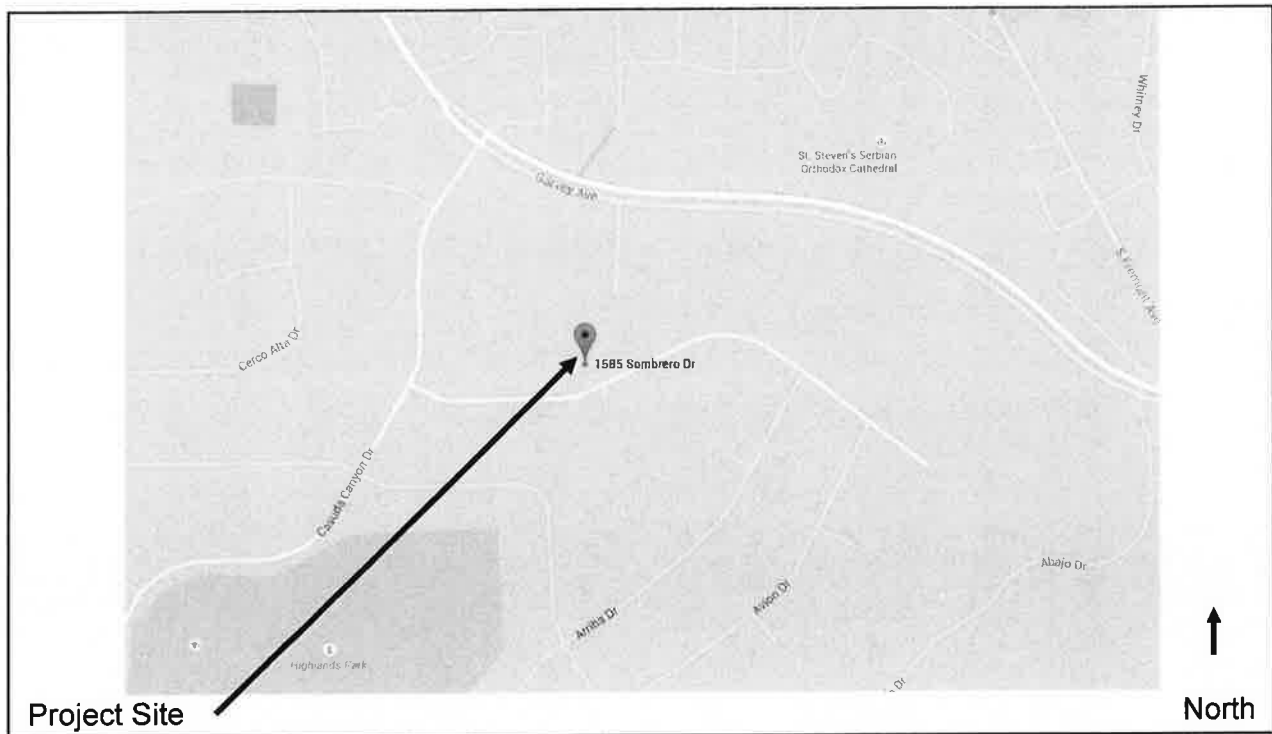
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 16, 2018** and published in the Wave on **January 25, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **152** property owners within a 300 feet radius and current tenants of the property concerned on **January 16, 2018**.

Vicinity Map



Street Map



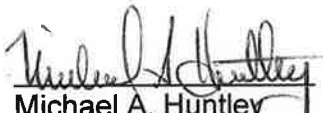
Aerial Map




FISCAL IMPACT:

There may be an increase in property tax revenue as a result of the project, but the exact amount would be speculative.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Tentative Map No. 73622

Attachment 3: Planning Commission Staff Report, dated August 11, 2015

Attachment 4: Planning Commission Minutes, dated August 11, 2015

Attachment 5: Project Geotechnical Report

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 13, 2018**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, February 13, 2018 at 7:00 p.m.

CALL TO ORDER:

Chairperson Larry Sullivan called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Larry Sullivan, Delario Robinson, and Eric Brossy De Dios

Board Members Absent: Theresa Amador and Ricky Choi

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR:

January 9, 2018 –

Action Taken: The Planning Commission approved the minutes of January 9, 2018 with amendments.

Motion: Moved by Commissioner Brossy de Dios and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, and Brossy de Dios

Noes: Commissioners: None

Absent: Commissioners: Amador and Choi

Abstain: Commissioners: None

[3.] PUBLIC HEARING:

3-A VARIANCE (V-17-01) TO EXCEED THE MAXIMUM ALLOWED FLOOR AREA RATIO FROM 35 PERCENT TO 40 PERCENT OF THE LOT AREA – 1881-1891 WEST ROCK VIEW COURT

Planner Tewasart provided a brief summary of the staff report.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

Chairperson Sullivan opened the public hearing.

Applicant Jose Murguia, 601 South 3rd Avenue, Montebello, CA 90640, was present to speak on the project, on behalf of the property owner Jose Saavedra. Applicant Murguia stated that the two separate lots would allow for floor area ratio of 40 percent and combining the lots would allow for 35 percent. Other cities allow for a 60 percent floor area ratio.

Chairperson Sullivan stated that in Monterey Park larger developments are kept proportional to surrounding properties. If a variance is granted to one property, others may want the same.

Speaker Roche McCoy, 1380 Rock Haven Street, Monterey Park, Mr. Saavedra is 89 years old. He has lived in Monterey Park since 1969 and it has been his dream to buy the house. Part of the reason for the variance is that the hallways, stairways, and rooms are a little bit wider because of his age and an elevator will be put in. The extra 5 percent made a big difference in the plans. The house will not block anyone's views.

Speaker Min Kam, 1901 West Rock View Court, Monterey Park, many of the existing homes in the area was built in the 1950s and they really enjoy the area. He expressed concerns about the project being out of character of the other properties in the area.

Chairperson Sullivan closed the public hearing.

Commissioner Brossy de Dios stated that this is a single-family dwelling area and there is a code to follow and there does not appear to be a compelling reason other than the needs of the property owner to grant a variance at this time.

Commissioner Robinson stated that there are strict guidelines to what can done and what cannot be done. There is a code and there does not appear to be a hardship to grant the variance.

Chairperson Sullivan concurred that there does not appear to be a compelling reason to grant the variance.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **denied** the requested variance for 1881-1891 Rock View Court.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Brossy de Dios, motion carried by the following vote:

Ayes:	Commissioners: Sullivan, Robinson, and Brossy de Dios
Noes:	Commissioners: None
Absent:	Commissioners: Amador and Choi
Abstain:	Commissioners: None

MISSION STATEMENT

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3-B TENTATIVE MAP NO. 78241 (TM-18-01) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 2-UNIT RESIDENTIAL CONDOMINIUM CONVERSION DEVELOPMENT IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONE – 417 NORTH SIERRA VISTA AVENUE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Speaker Francisco Alonso, 415 North Sierra Vista Street #C, stated that he is neutral and does not have any objections.

Chairperson Sullivan closed the public hearing.

Commissioner Brossy de Dios inquired about the open space requirement. Director Huntley replied that the project went through the plan checking process as well as the Design Review Board and the requirements were reviewed and met.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested tentative map for 417 North Sierra Vista Avenue.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: Amador and Choi
Abstain: Commissioners: None

[4.] OLD BUSINESS:

4-A TENTATIVE MAP NO. 73622 (TM-15-04) TO ALLOW FOR A ONE LOT SUBDIVISION INTO 9-LOTS IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONE – 1585 SOMBRERO DRIVE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Architect Edel Vera, 3125 Andrita Street, Los Angeles, CA 90065 stated that they have been working diligently with the civil and soils engineers to try to accommodate all the concerns from the previous meeting.

Commissioner Brossy de Dios inquired about the alignment of the private streets and expressed concerns about the angle of the upper private street and how it ties into Sombrero Drive at a rather acute angle. Architect Vera replied that in order to maintain visibility at that point they tried to keep the structures away from the street and intersection.

MISSION STATEMENT

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Commissioner Brossy de Dios inquired why the driveway was not move further east for a more perpendicular entrance. Architect Vera replied that the property currently has a dirt access and they are following the existing contours to minimize the grading.

Commissioner Brossy de Dios inquired about the approach to stormwater. Architect Vera replied that everything will be collected along Sombrero and discharged underground through piping onto the Campanita right-of-way. Commissioner Brossy de Dios inquired about the stormwater line and whether it will be outletted through a parkway drain to the gutter. Architect Vera replied that there will be an easement and they are still working on the SUMP and LID requirements to percolate as much as much as possible. This will be left over storm drainage from the upper side of the project.

Speaker Charlie Cai, 125 Campanita Court, Monterey Park, stated that he is an adjacent neighbor and is in support of the development. The existing property has been an empty lot of years and is dirty and unsafe. They understand the stability of the soil.

Speaker Rich Chow, 1536 Sombrero Drive, Monterey Park, expressed concerns about the stability of the soil. In the past year the property has slightly shifted and there are cracks in the structure. There is definitely some movement in the land there. By creating more building or development there it is going to change the integrity of the slope. He also expressed concerns about the entry on Sombrero.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **continued** the requested tentative map for 1585 Sombrero the regularly scheduled of March 27, 2018.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Brossy de Dios, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: Amador and Choi
Abstain: Commissioners: None

[5.] NEW BUSINESS: None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS: None

[7.] STAFF COMMUNICATIONS AND MATTERS:

Director Huntley provided an update on projects.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 8:01 p.m.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

Next regular scheduled meeting on February 27, 2018 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

ATTACHMENT 4

Planning Commission Staff Report and Minutes, dated August 11, 2015



Planning Commission Staff Report

DATE: August 11, 2015

AGENDA ITEM NO: 2-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 073622 (TM-15-04) to subdivide one lot into 9 lots – 1585 Sombrero Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 073622 (TM-15-04) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Yaonan Duan, seeks a Tentative Map to subdivide one lot into 9 lots at 1585 Sombrero Drive ("Project Site").

The proposed project meets the City's zoning regulations and development standards. The Low Density Residential land use allows traditional single-family homes, with one dwelling unit permitted per legal lot. Residences in this category consist generally of single-family detached houses with private yards. The subject property is currently a vacant hillside lot. The existing developments on Sombrero Drive include single-family dwellings many of which were constructed in the 1960s.

Property Description

The project site is located on the north side of Sombrero Drive. The property is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan. To the north, south, east, and west of the property are R-1 zoned lots. The project site has a frontage of 470.13 feet and an average depth of 247.05 feet, with a total lot area of 81,460 square feet (1.87 acres) in size.

Project Description

The proposed project is the subdivision of one lot into 9 lots. The subdivision will create 8 new residential lots and the 9th lot will be a private street. The new lots will range in area: Lot 1 (7,998 square feet); Lot 2 (7,648 square feet); Lot 3 (9,345 square feet); Lot 4 (9,067 square feet); Lot 5 (9,167 square feet); Lot 6 (9,339 square feet); Lot 7 (9,239 square feet); Lot 8 (9,554 square feet); and Lot 9 (private street). All of the proposed lots exceed the minimum lot area of 6,000 square feet.

Lot 1 will be constructed with a 2,998 square feet single-family dwelling with 4 bedrooms and an attached two-car garage. Lot 2 will be constructed with a 2,963 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 3 will be constructed with a 3,558 square feet single-family dwelling with 5 bedrooms and an attached 3-car garage. Lot 4 will be constructed with a 3,619 square feet single-family dwelling with 5 bedrooms and an attached 3-car garage. Lot 5 will be constructed with a 2,966 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 6 will be constructed with a 2,961 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 7 will be constructed with a 2,988 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 8 will be constructed with a 2,991 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage.

The proposed dwelling units will meet the required front and rear setback of 25 feet, with 5-foot side setback for the first floor, and 10-foot side setback for the second floor. Each unit will be two stories, with a maximum height of 28 feet or less. The project complies with R-1 development standards.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, a single-family dwelling that is less than 3,000 square feet require 2 enclosed garage spaces. A single-family dwelling that is greater than 3,000 square feet requires 3 enclosed garage spaces. Each enclosed parking space will have a minimum width of 9 feet and a minimum depth of 20 feet. The project site will be accessible from two driveways – three of the lots will be accessible from 108 Campanita Court and 4 of the lots will be accessible from Sombrero Drive.

The 9-lots will be regulated by CC&Rs and maintained by a Homeowner's Association. The project will provide 3.5 feet wide dedication on Sombrero Drive to allow for the construction of a new 5 feet wide sidewalk. Additionally, a 6 feet wide easement will be provided for planting and public utility purposes.

OTHER ITEMS:

Legal Notification

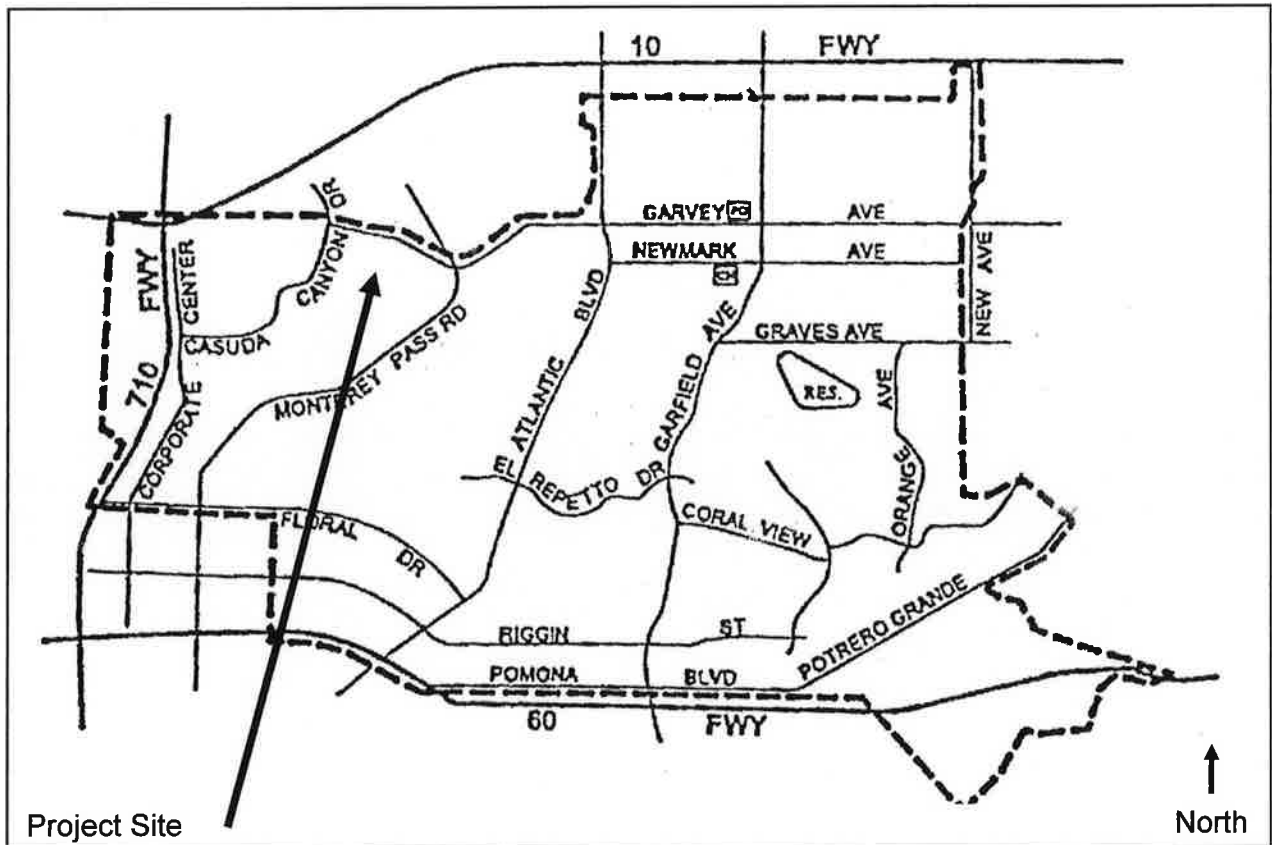
The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **July 24, 2015** and published in the Wave on **July 30, 2015**, with affidavits of posting on file. The legal notice of this hearing was

mailed to **152** property owners within a 300 foot radius and current tenants of the property concerned on **July 27, 2015**.

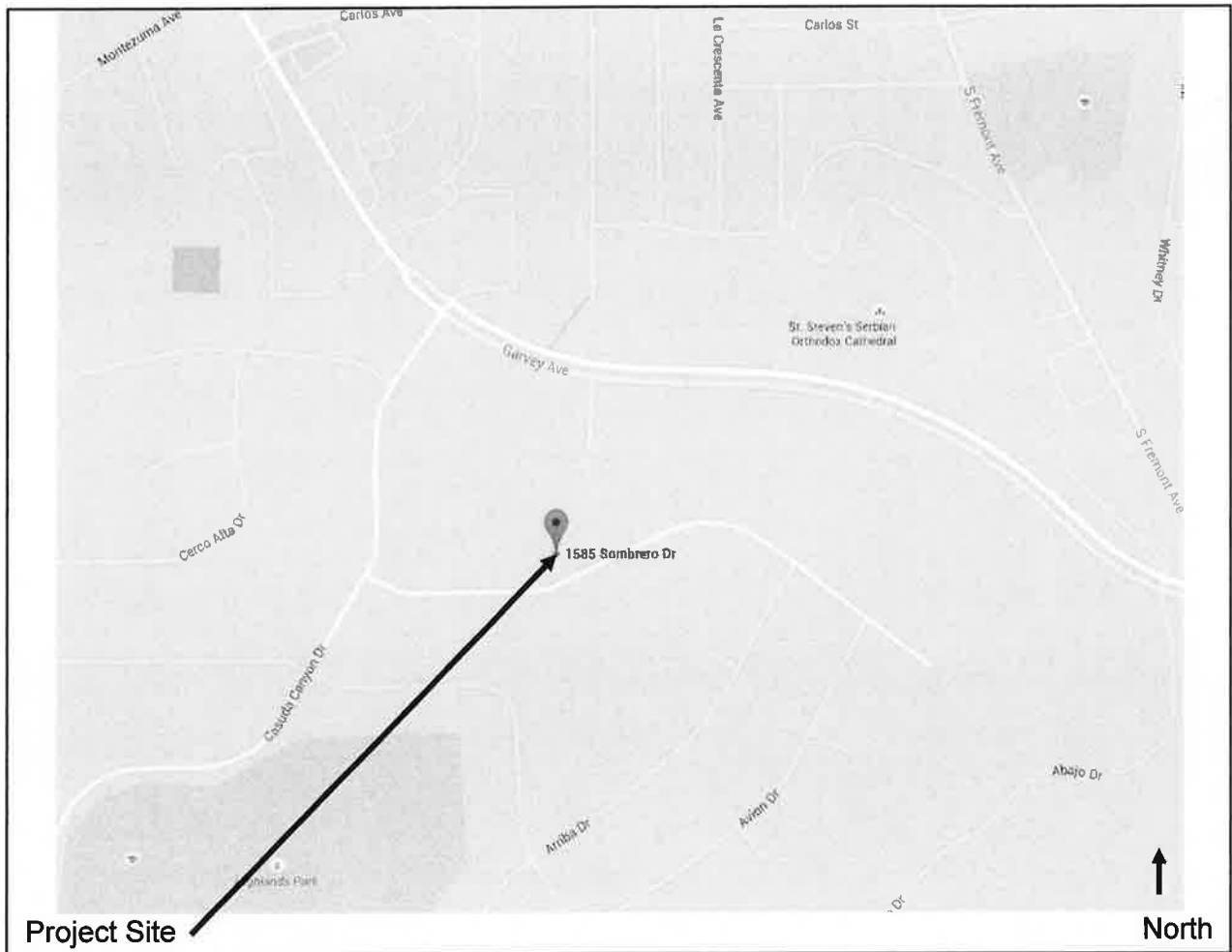
Environmental Assessment

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-fill Development).

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None recommended. The proposed action is review of a tentative map only; no other discretionary review is proposed.

FISCAL IMPACT:

There may be an increase in property tax revenue as a result of the project, but the exact amount would be speculative.

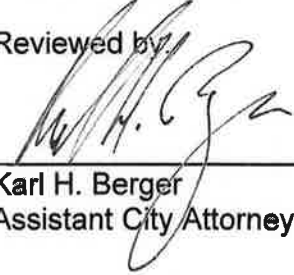
Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Exhibit A: Draft Resolution

Exhibit B: Site, floor, elevation plans and Tentative Map

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
AUGUST 11, 2015**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, August 11, 2015 at 7:00 p.m.

CALL TO ORDER:

Chairperson Garcia called the meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Rodrigo Garcia, Ricky Choi, Larry Sullivan, Margaret Leung, Lincoln Lee

Commissioners Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

None

PUBLIC HEARING:

None

OLD BUSINESS:

None

NEW BUSINESS:

2-A. TENTATIVE MAP NO. 073487 – 418 SOUTH RUSSELL AVENUE (TM-15-03)

The applicant, Frances Tran, seeks a Tentative Map to subdivide air right to establish and maintain a 2-unit condominium conversion project at 418 South Russell Avenue.

Planner Tewasart provided a brief summary of the staff report.

Commissioner Sullivan inquired rather these condominium units will be sold at market price. Planner Tewasart replied yes.

Chair Garcia opened public hearing.

Chair Garcia closed public hearing.

Commissioner Sullivan stated that there is a discrepancy between the architectural plan and site plan. Planner Tewasart stated that the architectural plan is accurate.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 14-15** approving Tentative Map No. 073487 (TM-15-03) to allow the subdivide air right to establish and maintain a 2-unit condominium conversion project at 418 South Russell Avenue in the R-2 (Medium Density Residential) Zone.

Resolution No. 14-15, entitled:

A RESOLUTION APPROVING TENTATIVE MAP NO. 073487 (TM-15-03) TO ALLOW THE SUBDIVISION OF AIR RIGHTS TO ESTABLISH AND MAINTAIN A CONDOMINIUM CONVERSION PROJECT AT 418 SOUTH RUSSELL AVENUE.

Motion: Moved by Commissioner Lee and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Lee, Leung, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

2-B TENTATIVE MAP NO. 073622 – 1585 SOMBRERO DRIVE (TM-15-04)

The applicant, Yaonan Duan, seek a Tentative Map to subdivide one lot into 9 lots at 1585 Sombrero Drive ("Project Site").

Planner Tewasart provided a brief summary of the staff report.

Commissioner Lee inquired rather this is a gated community. Planner Tewasart replied yes.

Commissioner Leung asked if streetlights will be install on the new street. Planner Tewasart replied that it is required by public works to install streetlights.

Commissioner Choi asked if this property had always been vacant in the past. Planner Tewasart replied yes.

Chair Garcia inquired rather the staff had looked at the soil report for this project. Planner Tewasart replied that the public works staff is currently reviewing the geotechnical report.

Chair Garcia opened public hearing.

Applicant Representative, Hank Jong, stated that the applicant hired a licensed soil engineer to conduct the soil report and they will follow the condition stated in the report.

Commissioner Lee asked if section CC, with 3 tiers of retaining wall, has the worst soil condition on the site. Representative Jong replied yes and stated that this section will require the most retaining wall.

Commissioner Lee inquired about the height of the retaining walls. Representative Jong replied that the maximum height for the wall will be 6 feet. Commissioner Lee inquired about the total elevation of all 3 tiers of the wall. Representative Jong replied that the elevation difference from the lowest point to the highest point will be 18 feet.

Commissioner Lee asked how far apart each tier of retaining wall will be. Representative Jong replied that each tier of wall will be 3 to 5 feet apart. Commissioner Lee stated that the retaining walls are laterally supporting each other which mean the engineer is designing an 18 feet retaining wall. Representative Jong stated that the structural engineer will decide on how to group the retaining walls but maximum exposure for each tier of wall will be 6 feet in height.

Commissioner Lee asked what type of foundation is the soil report recommending. Representative Jong replied that the soil report recommend using caisson.

Commissioner Lee inquired if the soil engineer had studied the slope sustainability of this hill. Representative Jong replied that the soil report indicated the soil in this area is stable but it will require additional foundation and caisson for the development.

Commissioner Lee inquired rather the city has a soil engineer reviewing the geotechnical report. Director Huntley replied that the city contract out to AECOM to review the report.

Commissioner Lee inquired rather this project requires an EIR. Planner Tewart replied that this project is categorically exempt.

Commissioner Lee asked which aspect of the project is being review by the Commission. Director Huntley replied that the Commission is responsible for reviewing the zoning aspect of the subdivision.

Commissioner Leung inquired about the drainage. Representative Jong stated that for the higher side of the lot water will collect in a catch basin and then diverted down the slope, and for the lower side of the lot water will be diverted to the street using piping. Commissioner Leung asked which street the water is draining to. Representative Jong replied that almost 100 percent of the drainage will go to Campanita Court.

Director Huntley stated that this project will need to meet the Low Impact Development Standards.

Chair Garcia inquired about the storm water mitigations. Representative Jong replied that the engineer will probably install a subsurface chamber on the down slope side.

Commissioner Sullivan inquired rather the design of the development will change depending on the result of the geotechnical report. Representative Jong stated that the outlook of the house will not change but the foundation might change base on the result of the geotechnical report.

Commissioner Sullivan inquired rather the result of the geotechnical report will increase the maximum height of the building. Representative Jong replied that the development will follow the City's height standard.

Commissioner Sullivan stated that he is concerned that the geotechnical report will alternate the design of the tentative map and the design of the development.

Commissioner Choi inquired about the landscaping design. Representative Jong stated that the project will follow the City's landscaping requirements.

Commissioner Sullivan asked where the water will be coming from for this project. Director Huntley stated that the water will be coming from Garvey and Sombrero.

Chair Garcia expressed the Commission's concerns about the geotechnical report. Director Huntley stated that the Commission can continue this item until the consultant is finish reviewing the geotechnical report.

Representative Jong stated that after reviewing the preliminary soil report, he believes that the site is stable for this development.

Chair Garcia inquired if the report shows any historic slippage plate. Representative Jong replied no but there is some surface erosion due to the long period of vacancy.

Chair Garcia inquired rather all the proposed houses will need caisson. Representative Jong replied that most downhill lots will require a minimum of 20 feet depth caisson into the bedrock.

Public Speaker:

Ron Hirosawa, as a resident, expressed his opposition to the proposed project. Resident Hirosawa stated that he would like to know the identity of the investors because he is concern that the investor will abandon the project. Resident Hirosawa stated that he also has concern about the stability of the soil, drainage, and the layout of the project.

Paul Isozaki, as a resident, also expressed his concern on the stability of the soil due to the history of the area.

Linda Yoshioka, as a resident, expressed her opposition to the proposed project. Resident Yoshioka stated that she is concern that this development will affect the condition of her house because she does not believe the soil is stable.

Project representative, Arnold Chen, presented a brief summary of the project.

Commissioner Lee inquired about the location of the soldier pile. Representative Chen stated that he is not sure. Representative Chen stated that he will need the recommendation of the civil engineer and structural engineer to decide where the soldier pile will be located.

Commissioner Lee inquired if the house is located on top of the soldiers pile. Representative Chen replied that he does not have the answer at this moment.

Commissioner Lee inquired about the type of the soil the building is sitting on. Representative Chen replied that some of the buildings are sitting on bedrock. Representative Chen stated that some of the bedrock are 3 to 5 feet below the surface and some are deeper.

Commissioner Leung inquired rather the original lot 8 has an existing 2-story house. Representative Chen replied that the lot is vacant. Representative Chen stated that there is a 2-story house on one of the parcel located on Campanita Court. He purchased it so this project can have a better access.

Commissioner Choi inquired if the existing 2-story house will remain. Representative Chen replied yes.

Commissioner Sullivan stated that he is still concern about the historical issue of the hillside and the potential damage this development might cause to surrounding properties.

Chair Garcia stated that he would like to see the result of the geotechnical report before making a decision.

Chair Garcia closed public hearing.

Commissioner Lee stated that the hill is sliding at this moment and he is concern about the risk if the developer abandons the project due to the economy.

Commissioner Leung stated that she would like to see some mitigation factors that will ensure the surrounding neighbors will have insurance if there are any damages due to the construction. Commissioner Leung stated that she would also like the applicant to create a construction timeline.

Chair Garcia inquired if the Commission can condition the applicant to ensure that compensation will be provide to the surrounding residents if this development create damages to surrounding properties. Attorney Berger stated that the Commission can make their decision based on the soil report and suggested to continue the item. Attorney Berger stated that the approval of the subdivision map should not endanger the health and public safety.

Commissioner Sullivan stated that he would like to protect the surrounding hillside residents from damages created by this development. Attorney Berger stated that if there is an issue between the applicant and surrounding residents, it will be a private matter.

Commissioner Sullivan inquired if the Commission can condition that the applicant cannot receive a final construction approval if there is any pending legal issue. Attorney Berger stated that the Commission cannot add additional standards for permit approval.

Commissioner Lee inquired if the Commission can have the applicant to obtain a grading bond. Attorney Berger stated that the grading bond is a standard requirement for a grading permit.

Commissioner Choi stated that he shared the same concern with the other Commissioners, and he would like the soil report to be reviewed first before bringing this item back to the Commission.

Chair Garcia stated that he would like to continue the item after the review of the geotechnical report.

Commissioner Sullivan inquired if there is an outreach for this project. Director Huntley stated that a subdivision project usually does not require a community outreach. Commissioner Sullivan inquired if the staff notified the surrounding residents about this development. Director Huntley replied yes.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **CONTINUED** Tentative Map No. 073622 to subdivide one lot into 9 lots at 1585 Sombrero Drive in the R-1 (Single-Family Residential) Zone to the meeting of October 13, 2015.

Motion: Moved by Commissioner Sullivan and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Lee, Leung, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

ITEMS FROM COMMUNITY AND ECONOMIC DEVELOPMENT:

Director Huntley stated that the next Planning Commission on, August 25, 2015, will consist of the South Garfield Village Specific Plan.

Chair Garcia inquired if there is an update from the staff. Director Huntley provided a brief update on some project.

ITEMS FROM THE COMMISSION:

None

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned on August 11, 2015 at 8:30 p.m. to the next regular meeting on August 25, 2015 at 8:30 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.

ATTACHMENT 5

Project Geotechnical Report and Drainage and Grading Plans